

STAFFORD COUNTY PLANNING COMMISSION MINUTES

October 6, 2010

The meeting of the Stafford County Planning Commission of Wednesday, October 6, 2010, was called to order at 6:33 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Fields, Rhodes, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Smith, Stinnette, Zuraf, Stepowany, Hess, Bullington, Hornung, Doolittle, Ennis and Forestier

DECLARATIONS OF DISQUALIFICATION

UNFINISHED BUSINESS

Mr. Howard: Quite a busy agenda this evening and I know the first item that is on the agenda is the Comprehensive Plan. And there's certainly a lot of discussion around the Comprehensive Plan and I recognize some in the audience might be here for that. Others might be here for the public comment portion, and there are no public hearings. So, I'll entertain anyone who wants to I guess think about maybe moving that and disposing of some of the other items that I'm sure there are people here waiting for. I know we're in work session... well what we used to call work session... but at the same time I recognize that the room is fairly full. So, if anyone wants to entertain moving that...

Mr. Fields: Yes, Mr. Chairman, I'll move that we move the discussion on the Comprehensive Plan to, I think, what would be in between item 13 and 14... no, I'm sorry. Well, it's kind of odd... my personal opinion is we dispose of Stafford Lakes issue, the Mountain Avenue Telecom Tower and the Fairfield Inn Suites because there's lots of staff and public personnel here for those items. I don't have a neat way of addressing that but maybe that makes sense before we get into the discussion items. So, I'm sort of making that as a motion; is that clear to everybody?

Mr. Howard: It's clear to me. Anyone want to second that?

Mr. Mitchell: Second.

Mr. Howard: Second by Mr. Mitchell; any discussion? So, just for clarity, we would move item 1 on the agenda... well, actually we would move up Stafford Lakes, Telecom Tower...

Mr. Fields: Two, three, four, ten, eleven, twelve and thirteen, and then move one after thirteen, preceding number five, six, seven, eight and nine.

Mr. Howard: Stacie, did you catch that? Because now you are in charge of the agenda. Okay, any discussion on that? Ms. Kirkman?

Ms. Kirkman: Could you please repeat now what the order of the discussion will be?

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Mr. Fields: What I'm proposing and again if somebody has a better plan, I'm more than open to it. But what seems perhaps logical to dispose of things in this order; items 2, 3 and 4, then items 10, 11, 12 and 13. Then go to item 1 followed by items 5, 6, 7, 8 and 9.

Mr. Howard: And then 14 and 15?

Mr. Fields: And then move to new... all of this reordering before we move to New Business.

Mr. Howard: Right, and we'll break at 7:30 for the public comments.

Ms. Kirkman: I guess my only concern is since some of those items involve... potentially involve votes by the Commission and there may be people here who may desire to speak during the public comment time on some of the items that have now been bumped potentially in front of the public comment time and which may be voted on. So that's my concern about changing the order of the agenda.

Mr. Howard: Okay, any other comment on that from anyone? I think it's a good concern. I think that could have occurred as well, assuming with the Comprehensive Plan the conversation wasn't going to be long, but I think it is going to be which is why I made that suggestion.

Ms. Kirkman: And I have to be honest, I also have concerns about putting the discussion of the Comprehensive Plan so late in the evening. It seems like that's such an important topic we really ought to be... I almost feel like dealing with that before anything else.

Mr. Howard: Okay. Any other discussion from any members?

Mr. Fields: I think, Ms. Kirkman, it's my hope that by moving through these things that we've already... that are unfinished business that our disposition of them is more technical than philosophical, that we can get those out of the way and it won't be... I agree, I certainly don't want to start a Comp Plan discussion. That's why I was hoping it would be the first thing we do after we dispose of the things that seem to have a technical versus a philosophical issue.

Mr. Howard: Right.

Ms. Kirkman: I'm fine with that as long as we give the people who might be here to have spoken on any one of those items the opportunity to speak now rather than waiting till 7:30.

Mr. Howard: Alright. Well, we'll call the vote. If there's no further discussion we can call for the vote and see how the vote turns out. Unless you're making a substitute motion.

Ms. Kirkman: I was suggesting that and waiting to hear some response. Are people not willing to do that?

Mr. Howard: I'll wait for others to answer.

Ms. Kirkman: And I say that, in particular, around the Fairfield Inns and Suites because we've had a lot of... at least I have had a lot of correspondence from constituents. We have some more correspondence up here and there may have been some folks who were planning to speak during the

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public comment period. And I think it would be a shame if that matter were voted on prior to them having the opportunity to speak.

Mr. Howard: I appreciate that, and I actually met with some of the residents a couple hours ago; so, again, not wanting people to stay here all night because the Comp Plan discussion is going to take longer than an hour. Anyone else have any comment on allowing someone to come forward and address the Planning Commission with their public comments?

Mr. Fields: I mean, I think, Ms. Kirkman, I'm sympathetic to your point but just from a procedural point, I mean, there's no guarantee that we would have that item finished before the 7:30 public hearing anyway, particularly if we started with the Comp Plan. So it's very likely that they would speak then before we did it. But on the agenda it is scheduled, the public presentations are scheduled after that issue. And there has been a public hearing on the issue. And I do want to hear from the people definitely. But it would seem to me, rather than moving up the public presentations or having two separate public presentations, if that's your concern, I mean, I would certainly be willing to consider moving the Fairfield Inn issue to after the public presentation time as scheduled but maybe not rescheduling or having a second set of public presentations. I'm not sure from a procedural standpoint we want to open up that can of worms.

Mr. Howard: Okay, any other discussion from any other members who have not had a chance to speak yet? Hearing none, I'll call for the vote on the motion made by Mr. Fields, seconded by Mr. Mitchell, which was to change the agenda. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 6 to 1. So the first item now on the agenda is the CUP, Conditional Use Permit for Stafford Lakes Service Center. Do we want to hear from staff first?

1. Proposed Amendments to the "2010-2030 Comprehensive Plan" dated September 10, 2010.
(Time Limit: October 20, 2010)

Discussed after item 13.

2. CUP2900195; Conditional Use Permit - Stafford Lakes Service Center - A request for a Conditional Use Permit to allow vehicle fuel sales in the B-2, Urban Commercial Zoning District as well as within the Highway Corridor (HC) Overlay District on Assessor's Parcel 44-

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75 consisting of 0.96 acres, located on the north side of Warrenton Road and the east side of Berea Church Road within the Falmouth Election District. **(Time Limit: September 14, 2010) (History - Deferred at June 16, 2010 Meeting to July 7, 2010, for meeting with Mr. Hirons, staff and the applicant) (Deferred at July 7, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010) (Deferred until BZA takes action on pending appeal)**

Mr. Hess: Thank you Mr. Chairman. Good evening Planning Commissioners. Staff brings back to you tonight CUP2900195, a Conditional Use Permit for Stafford Lakes Service Station. As you recall, this case was sent to the BZA, or rather the applicant filed an appeal and a variance application to the BZA on July 23rd, 2010. The BZA rendered a decision at their September 28th meeting in which they approved the appeal application. Therefore, with the approval of the appeal application it would mean that a Planning Commission recommendation to the Board of Supervisors accepting the applicant's phased approach would not be in conflict with the Zoning Ordinance. Staff had some handouts that we gave you tonight; they were not in your board package but they should be with you now. They have the number 2 up in the corner for item number 2. The first one is the letter from the agent representing the applicant to the Chairman which basically recaps what took place at the Board of Zoning Appeals case, and also has attached proposed revised conditions to what staff had proposed originally back when this came to public hearing back in June, June 16th. So you have the letter to the Chairman; you also should have a handout with original conditions that were in your packet on that public hearing night back in June. And then you have a version with the applicant's proposed conditions in there as well. And with that, I'll take questions.

Mr. Howard: Mr. Hess, what are the... do you know what the difference is between the proposed changes to the original? Is that what's underlined?

Mr. Hess: Right, that's what's underlined and struck through. They basically went through and modified condition 2, 3, 5, they added a condition 5a and then they modified condition 8. Condition 2 more or less just allows for the approval of Phase 1, the GDP, to be in compliance with Phase 1 and then goes on to say at a later date when right-of-way dedication is needed, full right-of-way dedication is needed from VDOT, then they would go to Phase 2. Of course, number 3 is more or less just a reference to the Phase 2 of the GDP. Five, again, references the phased development where they would dedicate three feet of right-of-way from centerline along Warrenton Road and fifteen feet of right-of-way from centerline on Berea Church Road through Phase 1. Then when VDOT needs or requests rather the full right-of-way they would get the additional twelve feet of right-of-way to give up a total of seventy-six feet of right-of-way from centerline on Warrenton Road, and then another twenty-one feet of right-of-way dedication for a total of fifty-one feet from the centerline of Berea Church Road. And, of course, that would be from a written request from VDOT. And then in 5a they added the approach of dedicating right-of-way through escrow to be held on by Stafford County. And number 8 again references access to the site subject to VDOT's approval, as far as which access points would be closed down and which ones would remain open.

Mr. Howard: Thank you. Do we also have a copy of the BZA's vote and their rationale?

Mr. Hess: I don't have a copy per se but the memo does summarize what was in the minutes from the BZA.

Mr. Howard: Who's memo?

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Mr. Hess: Our memo, staff's memo to you all.

Mr. Howard: And what's that numbered on our...?

Mr. Hess: Number 2.

Mr. Howard: Number 2? Okay.

Mr. Hess: Yes, item number 2.

Mr. Howard: So, would you take the time to walk us through that and summarize what... how did the BZA or maybe Mr. Harvey knows how the BZA came up with that as a decision and what was the vote if you don't mind telling us that.

Mr. Hess: Certainly. Essentially the BZA action, it was a 6-0 approval of the appeal application. Basically it just states that what they said is the action that they voted or approved overturns the statements made by the Planning Director as far as regarding right-of-way dedication. Specifically, the BZA found that Section 28-256(c)(i) of the Ordinance does not require the dedication of ultimate right-of-way at the time of site plan approval and that the Planning Commission and/or Board of Supervisors can approve a CUP with conditions that may require more or less right-of-way dedication than which is being recommended by staff and that the dedication may be phased. That's essentially what the sum of their recommendation was, I guess their justification. I don't know if that's the right word.

Mr. Howard: Okay, and there's an appeal process that can take place, right, whether the applicant was denied or the County, in this case, was overturned?

Mr. Hess: That is correct.

Mr. Howard: So, what is the length of time for the appeal process.

Mr. Hess: It's thirty days from the decision that was made on the 28th.

Mr. Howard: Okay. And then we're also under a time constraint for this particular CUP based on when it was filed.

Mr. Hess: Correct. And we've been tracking how many days have lapsed already on that if you want to know what that is.

Mr. Howard: What's the remainder on this?

Mr. Hess: Again, it went to public hearing on June 16th of this year; the appeal was filed with the County on July 23rd, so therefore thirty-seven days have lapsed. And I don't know if the clock starts back up from the BZA's decision. If it does, you add another eight days. If it doesn't, we're still on thirty-seven days of since it's come to you at public hearing.

Mr. Howard: Okay. Any other questions from Commissioners? Ms. Kirkman?

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Ms. Kirkman: This is I guess more a question for the attorney. I first have a question about when the clock stops tolling because we did not stop action on this until a vote was taken by the Planning Commission. So, when does the stop happen? And the second part of that is when do the days start back up again?

Mr. Smith: My interpretation is that the clock stops immediately when they filed their appeal on the 23rd of July because that is when the statutory automatic stay began.

Ms. Kirkman: Then did it end when the BZA made their decision?

Mr. Smith: I think that it would be tolled until the thirty days has run because my interpretation is that the appeal is not final until the BZA's decision is final. And because there's a thirty day appeal period provided in the state code that the BZA's decision would not be final until October the 28th and, therefore, it would be tolled during that period.

Ms. Kirkman: So, I just want to make sure I understand correctly what the County Attorney's position is, is that decisions which can be appealed are not final until the appeal period has expired?

Mr. Smith: I don't know that I would say that in all cases, but in this case my opinion is that the appeal is not final until the appeal period has run.

Ms. Kirkman: And how would that differ from any other... I mean, if you could explain what the legal basis is for why it matters that it's the BZA versus the Planning Commission, a decision of the Planning Commission or a decision of the Board.

Mr. Smith: Well, in this case, the BZA appeal generated an automatic stay and the specific language of that statute isn't clear whether the stay expires upon the BZA's decision or upon the appeal period running out. And my interpretation is that based on the statute and the purpose of the stay that it is reasonable that the stay actually expires when the appeal period has run.

Ms. Kirkman: And have you looked at what the County's position has been on this before because I know there have been several matters that have come before the Planning Commission that have been stayed because of a BZA appeal. And is your interpretation consistent with what has happened in the past.

Mr. Smith: I don't know what our office's interpretation has been in the past or how the Planning Commission has handled that in the past.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Along that same thought process that Ms. Kirkman had, Mr. Smith, if the Planning Commission took action tonight, from this point it would go to the Board of Supervisors, is that correct?

Mr. Smith: That's correct, Mr. Chairman.

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Mr. Howard: So even if we took action this evening, it doesn't necessarily resolve it; it just kind of moves the chains to the next level in the process. And then the Board of Supervisors will ultimately probably decide whether or not the County wants to appeal, I would think. Is that who would do that?

Mr. Smith: Yes, Mr. Chairman, it would ultimately be the Board's decision whether to authorize our office to file an appeal.

Mr. Howard: So, if we took action tonight, whether positive or negative for the applicant, and this moved forward with that rendering, then it would hit the Board of Supervisors somewhere around the 28th if I'm not mistaken.

Mr. Smith: I'm not positive what the Board's next meeting would be after the appeal period would expire.

Mr. Howard: Mr. Harvey, when would the Board of Supervisors see this if there's a vote tonight?

Mr. Harvey: Mr. Chairman, it would be the middle of November due to their scheduling.

Mr. Howard: So, in that case, we could still function as a Planning Commission and then they can determine what they want to do. If they want to appeal it, our vote really wouldn't matter either way I guess if they decide to appeal. Am I saying that right?

Mr. Smith: That is correct, Mr. Chairman. If the Planning Commission either voted to recommend approval or denial, it would not affect the Board's ability to appeal it.

Mr. Howard: Okay, thank you.

Mr. Harvey: So, Mr. Chairman, from a staff's perspective, the question is does the Commission want to entertain the proposed changes that were recommended by the applicant? There was still an outstanding question, as I recall, about condition 5a and the escrow for the deed. That's my recollection of where the discussion left off.

Mr. Howard: Right. And I thought that our attorney was actually recommending that's actually not a good practice. Is that correct Mr. Smith?

Mr. Smith: Yes, Mr. Chairman, that is correct.

Mr. Howard: So that has to come back to us for the purposes of discussion which we'll take up tonight. And I don't know if there's any other questions for Mr. Hess or Mr. Harvey. Did we want to have the applicant... is there questions? Mrs. Hazard? No? Okay, we'll have the applicant step forward and see if there's further explanation and/or questions I suppose.

Mr. Leming: Thank you Mr. Chairman and good evening members of the Planning Commission. I'll just make two points; one, I've been doing this a long time and the interpretation I've heard about the appeal period tonight is the first time I've heard that interpretation also. I think, though, that Mr. Howard really makes the point; what is the purpose of delaying Planning Commission action when the Board of Supervisors can decide both whether it wants to appeal and when it wants to act on this application. So it would seem to be somewhat pointless for the Planning Commission to delay its

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action on this waiting to see what the Board of Supervisors wants to do about the appeal. The other thing about the appeal is that even if the Board of Supervisors does choose to appeal this decision of the BZA, and I don't think they would be wise to because it's a very narrow decision that is limited to the facts of this case as it was structured by the BZA, but if they should choose to do that, the likelihood of getting a hearing anytime in the foreseeable future is not great. The Circuit Court docket is crowded and about the earliest date you'd get any kind of hearing is six months down the road. So, I'm not sure what the implication of that would be. I believe the correct interpretation of the law is that the BZA makes a decision, that decision represents what the law is until some other body acts. And if the BZA says that the ordinance says X, the ordinance says X until the court says Y. And, of course, the court may say X was right. So, that's the way the thing progresses; the Board would have the option of going to the Circuit Court and asking for some kind of additional stay but this is the first time I've heard the appeal period attached to a stay. So that's certainly my two cents on that. And I think the more practical issue is what is the point of having the Planning Commission defer its action waiting for the Board to decide whether it wants to appeal or not. Now with regard to the conditions, I've never heard... I don't think there's any real disagreement on any issue except condition 5a... and I'm not sure I've ever understood what the opposition was to 5a. A deed is held in escrow by the County Attorney and it's recorded at such time that it's appropriate to do so under the other conditions. Now, it doesn't matter to us; we thought that that made sense under the circumstances to give the County a level of comfort. But the conditions still require that the right-of-way be dedicated at a certain point in time so the County can act on those conditions if that's it chooses to do. But I don't believe I've ever understood what the opposition was to placing a deed in escrow.

Mr. Howard: Mr. Hiron.

Mr. Hiron: Mr. Chairman, can we address that now? I believe our previous County Attorney, representative from the County Attorney's office had some concerns and I don't know if they were necessarily ever completely explained. But I understand Mr. Smith has the same concerns. Can you kind of describe what your concerns are with 5a, with a deed and with the County being involved in that?

Mr. Howard: Mr. Smith?

Mr. Smith: Yes, Mr. Hiron. Gail Roberts, my predecessor, had these concerns and I shared her concerns at the time and I continue to share those concerns. Our concern is that if the deed is entered into at this time or in the very near future and is held by the County Attorney's office for some period of time, there's no guarantee, and I'm not assigning any nefarious motives to the applicant, there's no guarantee that something couldn't happen to the chain of title between now and when we actually went to record the deed. Someone could place a lien against it, the applicant could assign the interest to someone else and they would record their interest before ours is recorded. And while we would have the deed that predates it, it's not recorded, it's not in the chain of title that anyone could discover if they went to examine the land records. And that's our concern with holding the deed in escrow.

Ms. Kirkman: Mr. Chair, could I ask a follow-up question?

Mr. Howard: Ms. Kirkman, one moment. Mr. Hiron, does that answer?

Mr. Hiron: I'm going to let Ms. Kirkman ask her question. I think I might have a follow-up.

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Mr. Howard: Okay. Great, thank you. Ms. Kirkman?

Ms. Kirkman: So, if that's the County Attorney's discomfort with this, I guess we're dealing with conditions here, and this is something the applicant has put forward to reassure the County in some way, does the County Attorney's office have any concerns if it's not in here?

Mr. Smith: No we don't, Ms. Kirkman, we just wanted to express our concerns that this condition could cause legal problems in the future for the County.

Ms. Kirkman: So, if the applicant was doing this to reassure the County, the County is not reassured by it...

Mr. Howard: Is there an alternative or should it be removed?

Ms. Kirkman: So should it just be removed, and you had said there's no problems caused if it's removed.

Mr. Hirons: That was going to be my follow-up. What are the consequences if it's not there and what is the alternative if there are some sort of severe consequences which doesn't sound like there are?

Mr. Smith: Our office has no objection to removing it. Our concerns were just if this was the route that the Commission wanted to take that there may be legal issues, legal problems with it in the future.

Mr. Howard: Okay.

Mr. Leming: It doesn't matter to us.

Mr. Howard: Right. So the applicant would agree to removing 5a from the current proposed changes to the proffer?

Mr. Leming: We're happy to have it removed. That's all that I think I needed and felt that I needed to say. If there are any other questions, I'll be happy to answer them. But I think those were the issues that were outstanding here.

Mr. Howard: Alright; Mr. Leming, thank you. Any other questions for the applicant? No? Alright, I'll bring it back to the Planning Commission. Mr. Hirons, I think this does reside in your geography.

Mr. Hirons: Just barely. I'd be happy to defer Mrs. Hazard if she wants to initiate our discussion.

Mr. Howard: I'm pretty sure she wants you to initiate that.

Mr. Hirons: One of my concerns coming in here was I did want to see the minutes from the BZA meeting, kind of in full detail and full context. I obviously didn't have an opportunity to review those. I don't know if they're posted online as of yet or not or at all. However, through some of the other discussion, I actually think I almost favor moving this forward. As discussed, it's not going to be before the Board within that thirty day period anyway so they can deal with it as they see fit. I would recommend that we go ahead and do remove 5a.

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Mr. Howard: So, you're making a motion to approve the CUP striking out the current proposed changes and conditions dated October 1st striking out 5a?

Mr. Hirons: If you're ready for it, yes I will.

Mr. Howard: Is there a second to...?

Mr. Mitchell: Second.

Mr. Howard: Okay, a motion has been made and seconded. Is there any discussion on the matter? Stacie, you got all that? So we would move forward with the current proposed changes dated October 1st, 2010, and we would strike out item 5a on the proffer. That's the motion.

Mr. Hirons: Great.

Mr. Howard: Okay. Alright, I don't see anyone signaling for discussion.

Mrs. Hazard: Actually, yes. I guess the only question I would have when we strike that, is there any VDOT requirement that we're missing that's going to get this tripped up by removing that? And I just would like to feel somewhat assured that striking that does not create some other problem that we haven't seen. And the only party I see that would have any issue there would be VDOT potentially. So, I'm just... and I admit, I don't know the answer to that question.

Mr. Howard: That's a good question. I don't know the answer to that. I'll defer to Mr. Harvey or Mr. Smith.

Mr. Harvey: Mr. Chairman and Mrs. Hazard, I don't see any issues with VDOT with regard to this condition. Specifically, with the phased approach, as each phase came in for site plan approval, they at that point in time would have to prepare a deed for dedication of that right-of-way.

Mr. Howard: Thank you Mr. Harvey. Any other discussion by any Commissioner? Hearing none, we'll call for the vote. All those in favor of approving Conditional Use Permit CUP2900195, as amended today from the October 1st version, signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Those opposed? The motion carries 7-0.

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Ms. Kirkman: Mr. Chair? I would ask the County Attorney's office to perhaps research a little further their interpretation of when the stay ends, because having served on the BZA and having seen a couple of these issues come up before the Planning Commission before that that is the first time in any context I've heard that type of interpretation of when the stay is lifted. So I would just encourage him to research that.

Mr. Howard: Okay, I appreciate that Ms. Kirkman. I'm sure Mr. Smith has duly noted that, should some similar situation come before us again that I'm sure he'll have some additional information that he can share with us from his perspective. Thank you. That brings us to item 3 on the posted agenda which is the Comprehensive Plan Review of Telecom Tower, AT&T on Mountain Avenue. Mr. Hess again.

3. COM1000041; Comprehensive Plan Compliance Review - Telecom Tower - AT&T @ Mountain Avenue - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for a second telecommunication facility, located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road on Assessor's Parcel 54-45A within the George Washington Election District. **(Time Limit: October 17, 2010) (History - Deferred at August 18, 2010 Meeting to September 15, 2010) (Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting at applicant's request)**
4. CUP1000042; Conditional Use Permit - Telecom Tower - AT&T @ Mountain Avenue - A request to amend an existing Conditional Use Permit, specifically condition #1 of Resolution R08-480, to allow a second 175-foot tall monopole telecommunication facility in an A-1, Agricultural Zoning District on Assessor's Parcel 54-45A. The property, consisting of 3.62 acres, is located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road, within the George Washington Election District. **(Time Limit: October 6, 2010 - Board of Supervisors Deadline) (History - Deferred at August 18, 2010 Meeting to September 15, 2010) (Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting at applicant's request)**

Mr. Hess: Do you mind if I do 3 and 4 since they are...

Mr. Howard: Bring up 3 and 4; that would be great actually.

Mr. Hess: Okay, thank you. Staff brings to you again items 3 and 4, the Comprehensive Plan Compliance Review and the Conditional Use Permit for a telecom tower proposal; it's AT&T at Mountain Avenue. There was a site visit held on September 27th of this year with Mr. Fields, County staff, the applicant's attorney and representatives from Star Broadcasting Corporation who is the owner of the property. There was concern from an adjacent property owner with regards to visual impacts of the proposed facility they might have on their property. The applicant reached out to the property owner and had some correspondence back and forth. And the property owner just noted that they were neither opposed nor supportive of the facility, but rather neutral in the position. While we were also out there the discussion came up as far as the condition requiring vinyl slats be placed within the chain linked fence. Since the existing 490 foot guide wire tower has been there for several decades, I guess there's been a de facto neighborhood watch that's taken place between the property owner, Star Broadcasting Corporation, and the adjacent property owners. And so it was felt that...

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Mr. Howard: Mr. Hess, I didn't understand what you just said. There's a de facto neighborhood watch program?

Mr. Hess: It's more or less... because the way the houses are situated on Mountain Avenue, they can see, because the property itself is clear. There's no trees; you have the guide wire tower with its anchors all around so you can clearly see through, especially with the chain link fence being there, without the vinyl slats you can see into where the ground facilities are at. It's where the ground equipment shelters are at, at the base of the towers. So essentially it's a de facto neighborhood watch because...

Mr. Howard: I got it. So the visibility currently is there versus with the slats. Okay, go ahead.

Mr. Hess: Right. Should someone trespass on the property, they can certainly contact the property owner to let them know that there's people on the property that shouldn't be on the property. So, because of that, there was a recommendation by staff and Mr. Fields to revise condition number 9 to remove the language for the vinyl slats on any existing or proposed chain link fences. And, of course, with that recommendation, the DCSL, the Design and Construction Landscaping, Buffering and Screening manual, would therefore not be met; that requirement would not be met. It does allow for departure of design standards from this Design Standard manual. So, more or less, we laid out the process at site plan when the application comes forward that the applicant would have to go through a departure of design standards, so a departure from the DCSL, in order for the vinyl slats to not be required within that chain link fence. So, we laid that out and, again, that would be something that would come back to the Planning Commission for public hearing and for your approval. So you might be seeing this again down the road should you agree to a favorable recommendation for modifying condition number 9. So, with that, we provided the strike-through and underlined version of Resolution R10-236 and a clean version as well we submitted with all the changes in there, including the removal of the vinyl slat language.

Mr. Howard: Any questions of Mr. Hess?

Ms. Kirkman: Mr. Chair? It seems to me, and perhaps I'm... are there any other applications for communication towers in the pipeline right now?

Mr. Hess: There is one.

Ms. Kirkman: And where is that one located relative to this one?

Mr. Hess: Synan Road off of Deacon.

Ms. Kirkman: So how far is it from this one? Aren't we in the same general vicinity at that point?

Mr. Hess: I think so, yes.

Mr. Howard: It's close.

Ms. Kirkman: So, has any work been done to see if this tower and the needs it's meeting could be coordinated with this other application? Because it seems like we're going to be having telecom

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towers sprouting up all over like a new crop in southern Stafford. So, has anybody looked at seeing if those two towers could be collocated rather than...?

Mr. Hess: Not at this time, no.

Mr. Zuraf: Good evening. To answer your question, the applicant for the other tower is T-Mobile and they're a carrier that we've kind of mentioned this to them and they... it all has to do with their other tower and their other antennae locations. And they did look at this site and consider that, and what information they've given to us is that this tower is too close to their other antennae so it would not be beneficial to them to go on this tower because I think their other antennae may be on a tower that's over off of Cool Springs Road. And so this is closer to the Cool Springs Road tower. That other Synan Road tower, what they've notified to us is that that gives them a better network coverage and it actually serves to cover the rail line, which apparently there's a gap on the rail line in that location. That's the information they've given to us at this point. And we're still in the review process of that request.

Ms. Kirkman: Well, Mr. Chair, I just want to express to my colleague in the district that this resides. I really am concerned that we seem to have each company coming before us telling us why this tower is only going to work for them and then we have another company saying why this next one is only going to work for them. And so I am concerned about what that means for long term planning around telecommunications in the County.

Mr. Howard: I think that's a good point. I mean, we don't want that many towers and if we have them, we probably should put windmills on them, right? Generate some electricity off of them as well.

Mr. Fields: I can kind of respond to that if I might, Mr. Chairman. I appreciate your concern. Those were some of my concerns as well, Ms. Kirkman. When you actually get to the site, I think what you realize is that because this is an area that has and has had for decades a large radio tower on it. The acceptability of having this structure, which is there anyway, for both the radio station is also one of the key links in the Stafford's emergency communication system. That's what's collocated on the guide tower now; partly why AT&T couldn't collocate there. The area is already a tower area; the residents in general, even Mr. Grogan who has the Phillips' house adjacent expressed some concerns and is not thrilled about it except certain realities to it. And this being a shorter monopole is not particularly all in all that intrusive and it's an area where people already accept the existence of telecommunications material. So, it would be my preference to see a tower here rather than other places because it's already a tower place. And everybody that lives around it knows it's a tower place, has accepted that for fifty or sixty years, however long it's been there, and so though I express your concerns actually if you're going to put another tower in that part of the George Washington District, this is really the best place to put it because there's already things there and people are already used to having it as part of the landscape. So, you're not going to make a substantial change with all of the stuff that is already there. So I appreciate your concern for that and certainly the second tower, I agree that you can't have towers just because five different companies all want them.

Mr. Howard: Right.

Mr. Fields: So, it sounds to me like maybe the Synan Road tower is the one we need to cast... if that's a site that currently doesn't have a tower. Those are the sites that in general I've certainly not accepted. When I was on the Board there was a couple of tower proposals that were absolutely

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unacceptable because of the impact to the residents. But I think this one has many mitigating qualities to it.

Mr. Howard: Thank you. Any additional questions for staff on this? No? I have a question. Mr. Hess, you indicated that it's your belief that this would require an additional public hearing because of the change in the slats, whether removal of the slats are being required?

Mr. Hess: Right, that's correct. Because there are four options set up in the Design Standards manual and the applicant has indicated that all four of them just won't work in this situation.

Mr. Howard: Alright. Was there discussion on any other type of deterrent other than the visual, you know, opening it up and leaving it; obviously the space is visually seen. But any other... is there a sign? Will there be a sign that says Neighborhood Watch? Will there be a sign that says...

Mr. Hess: We can certainly add that to the conditions if you... I mean, it's not a requirement.

Mr. Howard: I bring it up as just a question because as neighborhoods evolve and change, you know, ten years from now not everyone would understand why that particular fence is not covered.

Mr. Hess: I mean, one of the conditions does have a number on it, an emergency phone number to contact. I believe that is one of the conditions that we do require. Let me see here.

Mr. Howard: Right, if there was something to occur to the tower. But the real concern is if the neighbors are okay with not impeding the line of sight. I don't know that I have an issue with that; I just wonder if there needs to be some type of deterrent to keep people out of there.

Mr. Hess: Again, right now we just have a condition to contact a 24-hour toll free number, a local phone number, in case of emergency.

Mr. Howard: Okay.

Mr. Fields: The current chain link structure is a chain link with several layers of barbed wire. You'd be hard-pressed to get in... you'd have to be pretty clever. You'd basically have to cut your way into the thing. It's very open, everybody can see it and obviously, considering it's part of the emergency telecommunications system, the Sheriff has a very vested interest also in maintaining the security of the site. So I think the residents have expressed that since the County located their equipment there, they cleared the site and changed from what was an enclosed area which people used to find beer cans and remnants of people jumping the fence. Now it's been chain linked; there's never been an issue. For that particular place, it's the solution. Not to imply that it's the best solution any other place, but for that particular site this all works.

Mr. Howard: Mr. Hess, is the applicant here?

Mr. Hess: Yes. The agent representing the applicant is here.

Mr. Howard: Alright, we'll hear from the agent then.

Mr. Hess: Certainly.

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Mr. Simanowith: Good evening Chairman and the rest of the Commissioners. My name is Mark Simanowith on behalf of AT&T. We would just like to thank Mr. Hess, as well as the rest of the staff, for their assistance during this application process. And generally we're excited to bring better communication abilities to this County and I'm here for your questions.

Mr. Howard: Great, thank you. Are there any questions? Mr. Fields?

Mr. Fields: Mr. Chairman, I do have one. I did get a good email follow-up from Mr. Rapisarda. Was there any subsequent conversations with Mr. Grogan after he sent the NEPA materials?

Mr. Simanowith: There was no other subsequent communications. As you expressed, he originally had said he was neutral. We attempted to see if he was actually going to change that to be in favor of it and we never heard back from him.

Mr. Fields: Well, you know, I mean in my conversations with him he would prefer there not to be a cell tower there if at all possible, but I think he understands all of the circumstances involved. We just wanted to make sure that all of the factors regarding that historic property were being taken into consideration. And so as far as you know, your dialogues with him, and he's aware of all of the studies, he's aware that the state has signed off on it from a historical preservation perspective.

Mr. Simanowith: Absolutely.

Mr. Fields: And that the historical reality has been acknowledged and examined and vetted through the proper channels.

Mr. Simanowith: Yes Commissioner.

Mr. Fields: And you're sure that Mr. Grogan understands that?

Mr. Simanowith: I am sure of that.

Mr. Fields: Okay.

Mr. Howard: Thank you. Mrs. Hazard?

Mrs. Hazard: My only follow-up was when we were talking before. I believe we talked about that there is some space available on that tower potentially for lease for others. And I guess my only not really concern but making sure that our number 12 on our list, when it says any future carriers or providers must provide that study, making sure that there's nothing that interferes of course with our safety and the security... if that, how that process of when you lease to somebody... I don't know if we should put the word lessee or anything in there. I'm just trying to make sure that it is very clear that when you lease space to somebody new that that study is going to be done. And I know it says future carriers and providers but if our safety equipment is on there, I want to make sure that... so I don't know if there's a way to polish that or if anyone feels comfortable that we are covered there, that's great. But that's my only concern.

Mr. Howard: Thank you.

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Mr. Simanowith: Ultimately I believe, based on the way the condition... excuse me, the CUP will be amended, number 2 will only allow two towers to be cited there. And so, as I understand it, your concern would be the future sites having also to provide the inner module study as we have done in this, is that correct Commissioner?

Mrs. Hazard: I guess it was making sure that any new space that you all have on that tower, that someone comes in that you are leasing it, that that is also done. And maybe I'm... I will tell you I'm not technical but that would just be my concern is if you are leasing additional space on your tower that they... it's very clear that anybody new needs to either conduct that study or there needs to be some coordination with our fire and rescue that there's not going to be a problem with anything else you put on that tower.

Mr. Simanowith: We would have absolutely no issue with rewriting that or providing that.

Mr. Fields: Mr. Chairman... I agree what you're saying. Now that I'm looking, I appreciate Mrs. Hazard's... as an attorney, she has a diligence on this that is an asset. The language "any future carrier or provider must provide", just that is a little vague.

Mr. Howard: Right.

Mr. Fields: I agree with what you're saying that probably any future lessee/carriers/providers... future carrier/provider/lessee of the monopole tower even, because we are being very specific about future people who are leasing space on the as yet to be built monopole tower. Does that make sense to the applicant? Do you see where we're going with that?

Mr. Simanowith: I do. The only comment to that, Commissioner, would be we would want to make sure that there was a colocation opportunity also on the 495 foot guide wire tower; that we weren't so specific in our language with restricting the monopole that if there was a potential colocation opportunity on the...

Mr. Fields: I thought the reason we were building the monopole is there's no colocation?

Mr. Simanowith: We can't with our antennas. Perhaps, given what could happen in the future, perhaps somebody could come along and try it. I just wouldn't want us to maybe make this so specific on the monopole as to...

Mr. Fields: The other tower isn't your tower anyway.

Mr. Simanowith: It isn't.

Mr. Fields: So it's not really your concern to a large degree. I'm not being argumentative but I'm just saying.

Mr. Simanowith: Absolutely, Commissioner. We'll agree with whatever (inaudible).

Mr. Fields: I understand what you're saying but I would... I appreciate Mrs. Hazard bringing this up... I would have a better comfort level if we specified lessees, the term lessee, and on the monopole

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tower, because we're acting specific to that one tower. What the Star Company does with their other tower is another issue entirely. And really not part of the scope of this CUP because they're not a party... I don't believe, right... they're not a party to any of this, right, from a legal...?

Mr. Simanowith: They would be co-applicant.

Mr. Fields: They are co-applicant.

Mr. Simanowith: Correct, because they own the property.

Mr. Fields: Is anybody here from their company to speak for them on this?

Mr. Simanowith: No they're not.

Mr. Howard: Do you have the authority to agree to that change?

Mr. Simanowith: Yes Commissioner... Chairman.

Mr. Howard: Okay.

Mr. Harvey: Mr. Chairman and Mr. Fields, also looking at the condition I would recommend we change it from occupancy permit to building permit so that we flag the issue...

Mr. Fields: Before they build it, right. Good plan.

Mr. Howard: So, perhaps we can... Mr. Fields, can we just restate the two changes that we just spoke through so the applicant understands it and we have it actually on record.

Mr. Fields: Sure. Any future lessees, and I think we can just use the term lessees. Nobody would be leasing space on a monopole unless they were a carrier or provider of telecommunications. The more specific term is lessee; that's what we're concerned with. Any future lessee of the monopole tower... and if you want to say the monopole tower or the free standing guide tower, since they're co-applicants we can say that... free standing guide tower. Must provide an inner-modulation study, etcetera, etcetera, on the County's public safety telecommunications facility prior to obtaining a building permit. Is that clear to everybody? Commissioners and applicant?

Mr. Howard: Stacie, do we have that captured? Okay, thank you. We'll bring it back to the Commission.

Mr. Fields: Alright, I think with that change... I appreciate Mrs. Hazard prompting that. Like I said, a visit to the site tends to resolve what looks on paper, even when I was looking at this first on paper it had many, many questions. But a visit to the site tends to resolve the fact that this is a reasonable solution for this specific location. And so, with that in mind, I would move that we recommend approval of R10-236.

Mr. Howard: Is there a second?

Mr. Rhodes: Second.

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Mr. Howard: Any discussion? Okay, hearing no one signify for discussion... Mr. Hess, you wanted to say something?

Mr. Hess: The Comp Plan Compliance, you probably want to vote on that one first.

Mr. Fields: Okay, which one is...?

Mr. Howard: COM1000041, Comprehensive Plan Compliance Review.

Mr. Fields: Okay, what is the Resolution for that? Is it simply... because we have a Resolution, right, for the Conditional Use Permit?

Mr. Hess: Right.

Mr. Howard: Yeah, it's two items, item 3 and 4. Item 3 is the Comprehensive Plan Review.

Mr. Fields: I don't see a specific Resolution for that.

Mr. Howard: On the agenda it's captured in that one paragraph. It's a request for a review to determine the compliance with the Comprehensive Plan.

Mr. Fields: PCR10-04. Alright. Well then first I will move that we recommend PCR10-04.

Mr. Rhodes: Second.

Mr. Howard: Second by Mr. Rhodes. Any discussion? Hearing none I will call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

Mr. Fields: Now I will move for R10-236 as amended with condition 12 amended.

Mr. Rhodes: Second.

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Mr. Howard: Any discussion? Hearing none we will call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. And that is going to bring us to item 10.

Mr. Fields: We're almost at the magic hour though.

Mr. Howard: Yeah, we're almost at the break. So, a hard break at 7:30 so we can start item 10 and then we're going to take the break to allow the public comments.

5. Discussion of Paving Waivers. **(Time Limit: November 15, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)**

Discussed after the Comprehensive Plan.

6. Discussion of Private Access Easements. **(Time Limit: November 15, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)**

Discussed after the Comprehensive Plan.

7. Discussion of Preliminary Site Plans. **(Time Limit: November 15, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)**

Discussed after the Comprehensive Plan.

8. Discussion of Signs in the A-2 Zoning District. **(Time Limit: December 14, 2010)**

Discussed after the Comprehensive Plan.

9. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) **(Time Limit: October 6, 2010) (Deferred at June 16, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010) (Deferred at September 1, 2010 Meeting to October 6, 2010)**

Discussed after the Comprehensive Plan.

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10. COM1000010; Comprehensive Plan Compliance Review - Miracle Valley Lane Sanitary Sewer Extension - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of gravity sanitary sewer outside of the Urban Services Area a length of 505 linear feet to serve two residences, located on the north side of Deacon Road and east side of Grafton Village Elementary School on Assessor's Parcels 54-132, 54-133A and 54-133B within the Falmouth Election District. **(Time Limit: July 4, 2010) (History - Deferred at May 19, 2010 Meeting to June 2, 2010 Meeting) (Deferred at June 2, 2010 Meeting to October 6, 2010 Meeting)**

Mr. Harvey: Well, Mr. Chairman, on item 10, that was an issue that went to public hearing and was deferred by the Planning Commission in anticipation of the Comprehensive Plan moving forward. So the question for the Commission would be whether the Commission wants to continue the deferral or to take action on the case.

Mr. Howard: I think we're so close... I understand we're in receipt of also of a letter from the Board giving us sixty days to bring the Comp Plan to a public hearing. So I would be inclined to defer this until at the very least after the public hearing of the Comp Plan.

Mr. Fields: It's Mr. Hirons' district.

Mr. Howard: It's up to Mr. Hirons.

Mr. Hirons: My only question was, is there any sort of time limit we're dealing with? We deferred it specifically to this meeting and at that time we had to have approval or agreement from the applicant, the Utilities Department, who subsequently also received approval from the actual lot owner. Is anyone from the Utilities Department here tonight to verbalize or give us some sort of yeah that's fine with us?

Mr. Harvey: I spoke to Mr. Allen this afternoon and he didn't express any objections to a delay.

Mr. Hirons: Okay. Then I would move to defer this for sixty days.

Mr. Rhodes: To the 1 December meeting?

Mr. Hirons: 1 December sounds like a good meeting time.

Mr. Rhodes: Second.

Mr. Howard: Any discussion? I'll call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

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Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. We will now take a hard break and open the meeting up for public comments. We do not have any public hearing this evening, so you may actually step up to the podium and address the Planning Commission with any comments that you would like to speak to us about. You will have three minutes; when the green light goes on, your time starts. And then the yellow light comes on when there's about a minute left to finish, and when the red light starts to flash we just ask that you would conclude your comments. We also will not address you directly; I think most people know that at this point. Items brought up that are questions in nature, we try and get some type of a response or answer or at least acknowledge we don't have that answer and we need to look at that for future meetings. So, I would ask anyone who would like to address the Planning Commission to do so by stepping forward to the podium and just state your name, your address, and then you can start speaking.

11. COM1000090; Comprehensive Plan Land Use Amendment - Fairfield Inn and Suites - A proposal to amend the Land Use Plan component of the Comprehensive Plan in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended. The proposed amendment would redesignate Assessor's Parcels 30-2C, 30-2D, and 30-5 from Urban Residential use to Urban Commercial use. The subject area consists of 5.34 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane, approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District. **(Time Limit: November 14, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)**
12. RC1000091; Reclassification - Fairfield Inn and Suites - A proposed reclassification from R-1, Suburban Residential Zoning District to B-2, Urban Commercial Zoning District to allow the construction of a hotel on Assessor's Parcels 30-2C and 30-2D. The subject area consists of 1.48 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District. **(Time Limit: December 14, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)**
13. CUP1000092; Conditional Use Permit - Fairfield Inn and Suites - A request to amend an existing Conditional Use Permit, specifically condition #1 of Resolution R05-225, to allow two hotels (one existing and one proposed) within the Highway Corridor (HC) Overlay District on Assessor's Parcels 30-2C, 30-2D, and 30-5. The subject area consists of 5.34 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District. **(Time Limit: November 16, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)**

Discussed after Public Presentations/Public Hearings.

NEW BUSINESS

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14. SUB100017; Patriot Ridge - Preliminary Subdivision Plan - A preliminary subdivision plan for 16 single family residential lots on private well and septic systems, zoned A-2, Rural Residential, consisting of 23.12 acres located on the west side of William and Mary Lane, approximately 1,200 feet south of Decatur Road on Assessor's Parcels 31-67 and 31-68 within the Griffis-Widewater Election District. **(Time Limit: December 29, 2010)**

Discussed after the Comprehensive Plan

15. PAE1000215; Mt. Olive Private Access Easement - A request for a Private Access Easement to serve one (1) lot on Assessor's Parcel 36-59B located on the east side of Mt. Olive Road north of Kellogg Mill Road within the Hartwood Election District. **(Time Limit: November 13, 2010)**

Discussed after the Comprehensive Plan

7:30 P.M.

PUBLIC PRESENTATIONS

Dr. Fetterolf: Mr. Chairman, members of the Planning Commission... Dr. Dean Fetterolf. Stafford County has identified that the newly created Chapter 4 of the Comprehensive Plan is quote intended to be a transportation plan document for the County and as such it is subject to legislative reviews for plans and capacities for construction of transportation facilities and VDOT's regulations and administrative guidelines at least one hundred days prior to adoption. Significant changes have been made to the June 17th Comprehensive Plan previously reviewed by VDOT. The maximum potential build-out figures have varied from approximately 117,000 to about 15,000 and have now been buried in the appendix. One UDA has been eliminated and those residences have been redistributed to other UDAs. Finally, a notional transportation plan has been created. Time does not permit me to give a detailed review of the failings of that transportation plan, but I will offer three observations. With compact land use planning, many of the new schools will likely be incorporated within the UDAs. As such, the safe routes to school plan, which is generally developed at the school district level, should be adopted in planning for seventeen new schools. Stafford should incorporate this program with specific infrastructure design elements near every new public school. Please consider protecting our walking and riding children. Computer modeling techniques have not been done on any future demand on County roads and along any new proposed key corridors. According to page 4.3 of the chapter, the last time the model was run was 2005. Yet, in tonight's packet, your discussions will include a map generated in 2008. Nevertheless, none of the models to date have included any of the UDAs. What a glaring omission. What is the cost and availability of commercial property for increasing the size of existing commuter lots two to three times? What's the impact of traffic from 6,351 new parking spots on already congested highways and interchanges? Responsible plans contain complete, accurate and current data. Finally, the UDA consultant and VDOT have not completed their reviews. Yet the Board of Supervisors, in Resolution 10-306, ordered the Planning Commission and citizens to fly blind without the benefit of those reports. What's wrong with open, transparent public review and input during the planning process? Spotsylvania has been gathering public input on UDAs. What ugly truths other than sprawl, crawl and debt await the public by rushing this incomplete plan forward? Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward to the podium.

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Mrs. Carlone: Ruth Carlone. I'm going to talk very fast. Last night, Senator Stuart agreed with us on the fact that residential does not pay for itself, which I thought was quite interesting. Okay. My speeches in the recent weeks have been focused on the process, the lack of citizens' participation in your 2010 revision to our 2008 Comp Plan. That's still a problem, but tonight I'm going to tell you about nine major problems with the Comp Plan revision. Number one, build-out of 116,909 units is not wanted. I want smaller build-out under the 2008 Plan of 36,063. Your build-out is three times the 2008 Plan. Ninety percent, as you know on several studies, have shown that residents value our rural atmosphere. They have not asked to live in a Fairfax County. This is the direction we're being taken. Number two, residential development, here again repetition, does not pay for itself. Your massive build-out will cost taxpayers more than the 2008 Plan. Number three, the Fuller Analysis being touted as balanced does not take infrastructure costs into account. It would not be balanced if it were a comprehensive analysis. Number four, the transportation plan is no plan. It fails to enumerate costs and who will pay. Number five, five of the eight UDAs do not meet state legislative objectives, using infill and redevelopment, staying out of green fields and locating where the water and sewer already exist. Number six, your UDA is nothing but a sprawl inducer. It eats up land and increases transportation costs. The 2008 Plan did not need all the roads you added. Your Plan does not do all the things that UDA legislation has tried to change. Number seven, the excursion of water and sewer out to 610 to the Fauquier County line is another sprawl producer. Number eight, your expansion of the UDA to greater areas than the 2008 Plan is another sprawl generator. And number nine, your Plan is only good for residential developers who will make millions by impacting our way of life here in Stafford and leaving us with a huge tax bill. There is a solution for these problems. Adopt the 2008 Plan. Focus on jobs, not houses. And thank you very much. And also, I didn't realize that Mount Olive was going to be on the agenda tonight; that's my home. Okay, thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Commission may do so by stepping forward.

Ms. Kurpiel: Good evening Mr. Chairman and members of the Commission, my name is Patricia Kurpiel. And I don't see the clicker. Thank you. Could I have my presentation please on computer? My talk tonight is called Some UDAs Work and Others Don't.

Mr. Harvey: Computer please.

Ms. Kurpiel: Some UDAs work and others don't. Well, how do I make it move? Alright. The law says there are five criteria for evaluating UDAs. The first is proximity to transportation. The second is availability of public water and sewer or a developed area. And finally, to the extent feasible, please use these areas for redevelopment or infill. So, how do our UDAs stack up? The first UDA is Eskimo Hill. This is a picture of the major intersection for Eskimo Hill. It's Route 1. I believe there is public water on one side of Eskimo Hill. It is not near a developed area. It is not redevelopment. It is not infill. So it meets maybe two of the five criteria in the legislation. This is a picture of Eskimo Hill Road heading toward that intersection. And I just want to ask you, how long do you think it's going to take jobs to come to this area? Jobs are really an integral part of a successful compact development project. On the other hand, this is the Courthouse UDA, right outside this building. And it does actually meet all of the five criteria in the law, and plus that, it is already a job center for Stafford; a good UDA. How about George Washington Village? Well, it's actually been cut off from Ramoth, I-95 and Route 630 by a band of zoning. Almost Euclidian zoning is being put around this UDA. So, I'm not sure what the transportation impact is there. It doesn't meet any of the other four criteria, so this is a zero out of five. Here's the other side, another area, in that UDA. How long for jobs folks? Finally, this is Route 610. You have not selected Route 610 as an area and it is really the most logical area out there. It makes five out of the five criteria. So, I'm asking you, stick to the studied areas. Tonight I've only discussed Courthouse. I'd like you to add Route 610. Now, Senator Stuart visited last night and he asked for suggestions from the Board that would help him revise this legislation. And one of the suggestions I'd like to see coming from Stafford County is the suggestion that we be given credit for units in the 610 area and also in Boswell's Corner, by virtue of the fact that those were only taken off so that we could cooperate with the Marines. Thank you very much.

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Mr. Howard: Thank you.

Mr. Waldowski: Paul Waldowski. Long time no see. It's the fourth quarter of... let's see... the first year of the second decade of the twenty-first century. Twenty years have passed and Mr. Rhodes, I sold my townhouse to a single mom who has to have her mom so now she owns 1/107 part of a storm pond. I don't own it anymore. I was just as gullible twenty years ago when I signed the contract and I had to maintain that storm pond while I lived payday to payday. Now, I have three minutes here and I want to hear three minutes from each of you. I like to hear what you're doing in your district just like the Board of Supervisors did yesterday. Some of you have only been on the Board for ten months and I have no interest in Falmouth or Hartwood and no longer Garrisonville because that's not where my... and Aquia was definitely off my list. Because if you look at your track record of planning, especially residential, just look at Vista Woods, Aquia Harbor... I guess you have to salute to go in there... Settler's Landing and Park Ridge, the planned community where you've approved all kinds of housing in different aspects. Now in your Comprehensive Plan, you know my view of commuter lots, you argue here about the wording. But you need to go read the wording about commuter lots because to date locations for new commuter lots have not been identified. Good, because you already have identified one too many because you don't know how to build a vertical parking garage. And if you would build a vertical parking garage then you could take care of things like Fairfax County does; have soccer programs, softball programs, and you could even use that parking space for the people at night to use that. What a ideal aspect. Now Walmart is one of my favorite uses of approval that you have. The only time that that parking lot gets filled up in on Black Friday; so in six weeks we're gonna see full capacity of that parking lot. So, like I've said, you know, welcome to the twenty-first century. I think many of you are still twentieth century thinkers and, if you have HOA mentality to take care of some of these really basic necessities of citizens, you know, I'm only going to be here for four more years but you just put jeopardy of people who are going to spend the next twenty years here. Thank you.

Mr. Howard: Thank you. Anyone else wishing to address the Commission may do so by stepping forward. Seeing no one advancing towards the podium, I'm going to take this opportunity to close the public comment portion of the meeting. Thank you very much for participating in your local government and sharing your thoughts and opinions. We will now go to item number 11, which is the Comprehensive Plan Land Use Amendment, Fairfield Inn and Suites. And I guess we'll also... well, I guess there's three items involved in that, 11, 12 and 13. Mr. Hess?

PUBLIC HEARINGS

11. COM1000090; Comprehensive Plan Land Use Amendment - Fairfield Inn and Suites - A proposal to amend the Land Use Plan component of the Comprehensive Plan in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended. The proposed amendment would redesignate Assessor's Parcels 30-2C, 30-2D, and 30-5 from Urban Residential use to Urban Commercial use. The subject area consists of 5.34 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane, approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District. **(Time Limit: November 14, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)**
12. RC1000091; Reclassification - Fairfield Inn and Suites - A proposed reclassification from R-1, Suburban Residential Zoning District to B-2, Urban Commercial Zoning District to allow the construction of a hotel on Assessor's Parcels 30-2C and 30-2D. The subject area consists of 1.48 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane approximately 2,000 feet south of Garrisonville Road, within the Aquia Election

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District. (Time Limit: December 14, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)

13. CUP1000092; Conditional Use Permit - Fairfield Inn and Suites - A request to amend an existing Conditional Use Permit, specifically condition #1 of Resolution R05-225, to allow two hotels (one existing and one proposed) within the Highway Corridor (HC) Overlay District on Assessor's Parcels 30-2C, 30-2D, and 30-5. The subject area consists of 5.34 acres and is located on the east side of Jefferson Davis Highway and the west side of Derrick Lane approximately 2,000 feet south of Garrisonville Road, within the Aquia Election District. (Time Limit: November 16, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)

Mr. Hess: Thank you Mr. Chairman. Staff brings back to you three cases dealing with the Fairfield Inn and Suites. It's the Comprehensive Plan Land Use Amendment, the Reclassification and the Conditional Use Permit. There were several handouts provided to you tonight, or rather in your package. The first one was the resubmission letter from the agent representing the applicant, which they specified that the applicant agreed to reduce the elevation of the proposed hotel by three feet. That does not mean that the hotel is becoming three feet shorter, it means that they are excavating three feet of dirt to sit the hotel down a little bit further in the steep terrain that already exists there on site. With that, they went ahead and modified their proposed proffer number 2 to include the building elevation language as far as being in general conformance with the GDP; that was also submitted to you as well. It was revised to make changes as far as the ninety-five parking spaces at the hotel site. They also resubmitted their landscape plan, as well as a landscape illustration. They've provided a larger copy of that landscape elevation, it should be an 11 x 17 copy that you have but I also have a larger copy here as well. This again was used to illustrate existing vegetation between the proposed hotel and Derrick Lane. The applicant has also provided images of the proposed hotel to help illustrate how the hotel will be visible from different angles. That is a cross section rather than I have here. It's a hard copy that's part of the file; it was just given to me tonight. It's been told to me that the applicant has a power point presentation or slides they can show you. If you want a hard copy of those things, I have them here as well. Also discussed, there is a twenty foot existing landscape buffer for the Marriott TownePlace Suites. With regard to that, the requirements are different. Back then, it was a 2003 zoning ordinance which allowed the applicant to reduce the landscape buffer width by adding more trees. Again, they can drop it down to twenty feet wide as far as that landscape buffer and that's why you saw it on the previous and I believe the existing GDP version that you have in front of you. And then, of course, we handed out proposed Ordinance O10-45 showing the change to reflect the latest proposed proffer statement and also Resolution R10-250 to reflect the latest date of the GDP. With that, if you have any questions I certainly can try to answer them.

Mr. Howard: I will bring it back to the Planning Commission for a moment. Was there discussion with the applicant on... is there a reason why they wouldn't try and streetscape this building, so turn it around and have the parking be in the back and move the building up? Is there an issue with the building setback line?

Mr. Hess: I believe there is a forty foot line that the building has to be setback from the edge of right-of-way under the B-2 Zoning district. It's a front yard setback.

Mr. Howard: Right, okay. Does anyone else have any questions on what Mr. Hess just went through? Okay. We'll hear from the applicant.

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Mr. Hess: Okay.

Mr. Howard: Unless you have more Mr. Hess?

Mr. Hess: No more.

Clark Leming: Thank you Mr. Chairman. There are just a couple of points that I would like to make and then there is a... I think everybody except Mr. Howard and Mr. Mitchell were here at the last meeting when we had a virtual illustration of basically a helicopter ride around the hotel, which illustrates what you can see from what point. The two points that I'd like to make first, we were asked to look at reducing the elevation of the hotel, elevation as opposed to height. We can't do the rooms, which is the minimum under this Fairfield model. We can't reduce the height and keep the rooms. So we dropped the building and we dropped it three feet. Every foot that we dropped the building, according to our engineers, equates to a cost of \$100,000 worth of excavation. Now we're to a point, the reason we stopped at three feet, notwithstanding the money issue but the reason we stopped at three feet is because we've hit deadpan and are getting into rock if we go any deeper. So the illustrations that you have and that I'm prepared to show you in a minute on the monitor do take into account the new elevation of the hotel and that is proffered three feet down. We dropped the whole hotel three feet down. Now, I'm told that somebody here can actually put up the landscape plan for me on the monitor.

Mr. Harvey: Computer please.

Mr. Leming: And as Joey indicated, I do have a hard copy of this and if it would be at all helpful, I doubt that this is particularly... can you read that? Because I do have a larger version of it if that would be helpful.

Mr. Howard: I think we're okay, if anyone wants it we'll grab it.

Mr. Leming: What we were asked to do is to give a more graphic illustration of the landscaping and we incorporated both hotel sites. Mr. Hess has discussed with you the difference in the buffers between the existing Marriott site and the new site. We have distinguished here... you have both what we are going to plant and what we are going to retain. The vivid green vegetation are the trees. Vegetation is already on the site that will be maintained and then we have actually pointed out the specific specimens or plantings that we are going to utilize for the landscaping plan. You can clearly see the retaining walls here. The black line along Derrick Lane and down the side and along the side of the property is the fence that will go around the parameter of the property. I think there was some issue seeing that last time around. There are also smaller trees, the green area along Derrick Lane, there is an area there between the fence and the actual road. There are some other smaller trees there; it is not our intent to disturb any of those. It's not the same height or quality of vegetation that you find further down the road closer to most of the houses but there is vegetation all the way along Derrick Lane there. Now, could I see... we have three slides, can I see the next one? The purpose of this illustration is to give you some sense for the difference in height between Derrick Lane, and this is drawn to scale. You are then looking at the initial vegetation, the area that is at the same level of Derrick Lane and the vegetation that is either existing there or will be placed there, the retaining wall and then we're down to the hotel site itself. Can this be moved up? Okay. There are two other illustrations here. The second, the detail, what is shown over on the far right is the view from the hotel level back up and

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what is in between there. You see clearly marked there the fence, the retaining wall and the property line, the vegetation in the middle. And the third detail again looks up from the bottom up toward Derrick Lane. You can get some sense for the elevation where the mature tree growth is; that is what was illustrated in the vivid green on the landscaping plan. And then if you could slide it back down Jeff? The levels of the hotel are shown over on the far left of the top illustration so you actually can see where the floors come in. This illustration does take into account the three foot drop that we have accomplished here. Now could I see the third slide? That's the first one. There we go. These are the cross sections that were discussed and I do have larger illustrations of these as well. The red lines on the hotel show the original elevation of the hotel. The darker lines are what it has been dropped to. The blue lines show the site lines from various perspectives along Derrick Lane and various properties along Derrick Lane. And I think this may even be clearer when you see the illustration from our architect. I think it's clear that from most perspectives here, you are going to see only a portion of the top floor and, in some cases, you are actually right at the very height of the roof. In other cases, particularly those that are higher up such as second stories, you do see somewhat more, maybe half of the top floor. But these were prepared to give you an idea of the difference. Now, if you look at the red lines, you can see where the same lines where the hotel would have been if it had been at its original elevation. Alright, now if there are questions, I'll be happy to answer them. But maybe, with your permission Mr. Chairman... how long is your presentation Kurt?

Mr. Cushwa: Just a couple minutes.

Mr. Leming: Okay, maybe it would be helpful to have our architect share with you the virtual presentation that gives you a perspective from all sides of the hotel and Derrick Lane.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: Is this the same presentation we've already seen?

Mr. Cushwa: It's been modified.

Mr. Leming: Yes, it's been... as I attempted to explain, it's been modified to show the three foot difference.

Mr. Howard: We did get a video tape of the meeting so I have seen it.

Mr. Leming: Okay. It's up to you whether you would like to see it.

Mr. Mitchell: Mr. Chairman, I would rather see it. I apologize for being out town on personal business last meeting but I would like to see it.

Mr. Howard: Okay, that's fine.

Mr. Cushwa: Good evening. First, we'll take a look at a couple aerial views just of the hotel. You can begin to see how it's nestled down into the grade; and then from the rear. This is what you would see if you were in a helicopter, not from the neighbor's houses. Then we go through a series of views; these are from various houses off of Derrick Lane. And the upper view is what happened when we

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lowered the building three feet; the lower view is what we looked at last time. You can see if you look closely, you no longer see the word Fairfield; it's going to drop that much. And like I talked last time, all of these are based on a six foot person's eye height standing at the corner of house. It would obviously be different if you stood someplace else; taller, shorter, or on the second floor. And again, you can see the building does drop a little bit. The visual aspect is probably more important in real life than the picture shows but it is accurate. Again, now from this home, you are going to barely see the roof of the building and all of these are showing a minimal amount of landscaping. I didn't want to cloud the issue by trying to hide the building with a lot of plants that will be there at various times as they grow. I wanted to make a true representation. Again, from another neighbor's house. Again, you are going to see less of the windows, the building is down a little lower. And then this is looking along Derrick Lane. You will get a clearer picture I think... this is zooming around looking at the building. The retaining walls are there to save trees. Zooming around and then we are going to look down Derrick Lane. Now since last time, I have added two other little video clips that... it's got to finish first; I'm sorry. This is actually driving along Derrick Lane looking straight ahead. Before, I kept my eye towards the building and, as you can see, after a little ways the building is not in your line of sight anyway. And that's if you go really fast backwards. Can you advance to the next one? And then this is going the other direction on Derrick Lane. With both of these, the eye elevation is set for a gentleman in that red pickup truck. So, it would be up higher than in a car and you can see the fence is the true height; the planting is just illustrative.

Mr. Leming: Thank you Kurt. I want to emphasize what Kurt said about the landscaping. He did not attempt to incorporate the landscaping plan, which would further reduce the visual impact of the hotel. In summary, I don't think anybody disagrees strongly that it makes sense to have hotels along Route 1 in this particular location and Stafford needs hotels. In this particular location, you have an existing hotel; the new hotel is under the same corporate ownership and individual ownership. We have struggled considerably with the mitigation of impact, particularly the visual and at some considerable cost. So, we think we have, in our view, certainly successfully mitigated the impact of the hotel. We see the hotel as compatible with the existing uses, both on the other side of Route 1 and, of course, immediately to the south on Route 1. We did look at any number of different placements for the hotel in response to Mr. Howard's question. In addition to the setback area, our engineers and architect experimented with several different configurations and several different footprints. We are considerably constrained by the site itself, the size of the site. I do want to emphasize though that notwithstanding that, notwithstanding the difficulty of this particular site, we more than meet Stafford's open space ordinance requirements and your FAR requirements. And as I pointed out at the last meeting, some of you will recall that there is a provision in your ordinance that permits adjustments to FAR for hotels because of this kind of problem and the fact that hotels tend to go up. We're not asking for any of that in this particular case. We meet all of the ordinance requirements as they are and we have checked and double-checked parking spaces and believe that we have them accurately depicted on the plan there. Engineers are here and would be happy to answer any questions that you may have.

Mr. Howard: Okay, thank you. I have a couple of questions. I went and I met with some of the neighbors earlier today and they expressed a lot of concern. You know, when you talk to people in their home they are usually a little bit more open and perhaps they were at the public comments and there are a lot of concerns. Some of the concerns are the existing hotel takes pets. Will this hotel also take pets?

Mr. Leming: Will the Fairfield Inn take pets?

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Mr. Howard: Allow pets?

Speaker from the audience: This one will not.

Mr. Howard: Will not, okay.

Mr. Leming: This is a short term hotel.

Mr. Howard: Right, and I realize the other one is more of a residence, for a period of time. The reason that came up, and I have stayed at other Marriotts that are Residence Inns or Residence Inns and Suites or Town Suites, and they typically actually have a separate dog park area. This hotel does not have that.

Mr. Leming: Right.

Mr. Howard: And what happens is the residence see people walking through the woods across the street and it is typically the people staying at the hotel; they are using the wooded area to take the dog out and get some recreation and so on and so forth. So, will that fence actually cut across the entire...

Mr. Leming: Yes.

Mr. Howard: Both hotels and really restrict people from being able to do that? Because it's a cul-de-sac, it's a dead end, Derrick Lane. And to all of a sudden be in your front yard and see somebody pop up out of the woods with a dog is a little startling.

Mr. Leming: Well, there are no gates in the fence. The fence is a solid board on board fence and it's six feet high. So, will somebody try to climb over it with a pet? I would think that's unusual. Now somebody, I suppose, could walk north across the frontage of both hotels to the entrance down past the used car lot at the entrance to Derrick Lane and then come back up Derrick Lane. But that would be a pretty good...

Mr. Howard: Yeah, there is also a dirt... it's turned into a dirt road, it's not a real road, and it goes down to the church.

Mr. Leming: Okay.

Mr. Howard: And there are several occasions where, could be church goers or just it could be other people but it's not depicted in any of your renderings, but will the fence essentially cut that off? I don't know if you can answer that but I would like to get that answer at some point.

Mr. Leming: Well, let's see if we can answer it. The fence is to go the entire length of the property, correct? And there are no breaks in the fence.

Mr. Howard: But there's a dirt road... on Derrick Lane there's an entrance and it starts where the power lines are. It looks like at one point the power line easement was wide enough where trucks would come in and out and someone has taken liberty and now there's a road; it looks like it goes right to the church. And I think it used on occasion...

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Mr. Leming: It must go through the church property.

Mr. Howard: It probably is the church property.

Mr. Leming: Colonial Church owns... could we go back to the first slide for a moment?

Mr. Harvey: Computer please.

Mr. Leming: Hard to read what they are, right? Almost... there we go. If you look in back of the Marriott all of that property there is owned by the church between the back of the Marriott property and Derrick Lane. And then the church owns immediately to the south.

Mr. Howard: Right.

Mr. Leming: So there very well may be a road connecting those two pieces.

Mr. Howard: Okay. I'm kind of leading up to a couple of other concerns.

Mr. Leming: Okay.

Mr. Howard: So, there's also the traffic light on Jefferson Davis Highway that the existing hotel currently uses. That's the only ingress and egress, in and out.

Mr. Leming: There's a right in and right out.

Mr. Howard: Well, that's full movement actually at the traffic light. You have an additional right in/right out proposed on the subject site

Mr. Leming: That's correct.

Mr. Howard: So, because this traffic light exists today and when you get to Derrick Lane and Route 1 where that car dealer is, there's a used-car dealership there.

Mr. Leming: Painted purple.

Mr. Howard: Painted purple, and that is an intersection that is just not a good intersection. So, the residents have concern that at some point the hotel will acquire the used car dealer, pave it over, turn it into part of the parking lot, close that entrance, get VDOT to agree to it, and then extend the current existing entrance through the church property to Derrick Lane and all of a sudden create this different way into their community which completely would change their... just totally change the neighborhood from what they have today. And, you know, I'm just asking for full disclosure here, Mr. Leming, to understand. Is that something... ?

Mr. Leming: We can't get the used car dealer to sell.

Mr. Howard: Well, at some point he'll sell. I mean, he's not going to keep that...

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Mr. Leming: Maybe to address your concern, how about a condition that just says no access from these properties on to Derrick Lane.

Mr. Howard: Right, from that access.

Mr. Leming: There is no intent to have access on to Derrick Lane, no hidden agenda here. They are perfectly content with the access onto Route 1. So if the Commission wanted to add a condition explicitly prohibiting any access, pedestrian or otherwise, onto Derrick Lane we would not have any problem with that.

Mr. Howard: And then there were also... and I don't know... there's the belief, and this could be wrong that, Marriotts come in threes. So their concern was, from the residents again that I spoke to, that is there some thought, whether it's taking the car dealership and also to include the church property at some point and put that third hotel there and have the three in a row and then really completely change Derrick Lane as a back access road to these three properties?

Mr. Leming: The owner has no intent to do a third hotel. I'm not sure there's a third Marriott model that would go in there, a prototype.

Mr. Howard: I don't know if there is or isn't, I just bring it up as a concern that was brought to me.

Mr. Leming: It seems to me there are two protections against that. Number one, the existing hotels, if the Commission adds a condition prohibiting the access on the Derrick Lane, the existing hotels would have to comply with that regardless. And any other hotel proposal would have to come right back through the Planning Commission and the Board of Supervisors. If someone... and it's not the present owner's intent at all to do anything like that... but if somebody did want to put another hotel back there, the County would certainly have another opportunity to review it and review the access issues and limit the access of that hotel to Route 1. I imagine for certain emergency purposes you might want a back entrance from Derrick Lane but it could be limited to that. But that's the subject for another day. It is not on the agenda or the radar of this particular applicant. He is very pleased just to have the opportunity to complete a second hotel.

Mr. Howard: And then the last major concern that was expressed was the landscaping and the maintaining of the landscaping, basically in perpetuity. So how do you envision your client doing that?

Mr. Leming: Well, the ordinance requires perpetual maintenance of the buffer. The buffer is required by ordinance and if things die in the buffer, the obligation is on the property owner anyway to replace those items. And that's something that you see across the County I think. When the new CVS goes in, I noticed a couple of trees that have died out along the landscape buffer. Those will have to be replaced.

Mr. Howard: Right.

Mr. Leming: That's a requirement of the ordinance. And the same thing would apply here. On the buffer, generally...

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Mr. Howard: Would you be willing to also increase the evergreens, and maybe this came up in the last conversation, but when the oak trees leaves are gone, the sound all of a sudden increases obviously and there is currently a lot of oak trees in that area.

Mr. Leming: The deciduous trees, yes, are for the most part... the deciduous trees, the existing trees are oak trees. And they were nice oak trees. Part of our landscaping plan includes evergreens.

Mr. Howard: Do you know what percentage? Mr. Leming, what percentage... do you know what the percentage is?

Mr. Leming: Do we know what percentage? Well they're actually shown on the plan. We could count them up. Do you happen to know, Gary, approximately?

Mr. Kniseley: Maybe twenty percent (inaudible).

Mr. Howard: Right.

Mr. Leming: And there are other evergreens too. There are rhododendron and holly, which are evergreen.

Mr. Howard: Right.

Mr. Leming: The thing I point about the mix of the evergreens and deciduous trees, the deciduous trees are great because they're mature and they provide very effective screening while they have their leaves; but then the leaves go away. The problem with evergreens beneath deciduous trees or within the shade of deciduous trees is that the evergreens don't grow.

Mr. Howard: Right, they don't grow...

Mr. Leming: Or they're so spindly they don't serve any effective purpose. So you can, basically from the landscaping standpoint, you can wipe out what's there which we don't think is a good idea and start again with trees that would be more dense and more evergreens. But the evergreens that are planned here are planned for those areas where there is not already intense vegetation, particularly the oak trees that would be overhead and prevent them from filling in. I'm not sure, with the exception of hemlocks over in the mountains, you may recall seeing evergreen trees in dense shade. Hemlock is the only evergreen that I know that grows in dense shade. Others would just tend to grow sparsely and not be effective for their purpose. But, as Gary indicated, there are a large number of evergreens that are planned for the site.

Mr. Howard: Okay. I'll bring it back to the Commission; if there's any questions of the applicant anyone else has?

Mr. Leming: Thank you all.

Mr. Howard: Mr. Mitchell, I believe this is in your geography.

Mr. Mitchell: Yes it is. Mr. Chairman, after everything we've seen tonight and I see they've taken a number of moves to bring the elevation down on the buffers and that sort of thing. What I would like

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to do, Mr. Chairman, at this point with the Board's permission, I would like to defer this until the next meeting in this month.

Mr. Howard: Okay, so a motion to defer to the next meeting?

Mr. Mitchell: To defer it and then at that point, I would like to meet with the applicant and go over some issues and just sit down and look at the... I do appreciate this drawing, I really do. But I would like to look at the bigger drawings also. If you can get some to me, mail them to me or whatever, I'll gladly take a look at them and then that way I can defer any question until I've look at the larger drawings. The motion is to defer until the next meeting.

Mr. Howard: Is there a second to Mr. Mitchell's motion?

Mr. Hirons: Second.

Mr. Howard: Okay, any discussion? Hearing none, I'll call for the vote. All those in favor of deferring items 11, 12 and 13 to the next meeting signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. Thank you.

Mr. Leming: Thank you.

Mr. Harvey: Mr. Chairman, for everyone's knowledge, the next scheduled meeting is October 20th.

Mr. Howard: Great. Thank you. And that brings us to the Comp Plan. Let's take a quick five minute recess while Mr. Zuraf gets set up and then we'll be back in five minutes. Thanks.

Recessed at 8:15 p.m.

Reconvened at 8:25 p.m.

TRACK 2: COMP PLAN BELOW

1. *Proposed Amendments to the "2010-2030 Comprehensive Plan" dated September 10, 2010.
(Time Limit: October 20, 2010)*

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Mr. Howard: Okay, we now return from our commercial break. Mr. Zuraf?

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission... I'm here to talk to you about item 1 is the continued discussion of the revisions to the Comprehensive Plan. The Comp Plan was last discussed at the last work session on September 15th and, in response to the issues raised at that meeting, staff has provided you additional information. Mr. Chairman, I'd like to kind of briefly go through and summarize what we provided to you and then get into a more detailed discussion at that point, if that's okay.

Mr. Howard: Yeah, that'd be great; thank you.

Mr. Zuraf: What we've provided to you in the memorandum that you received in the mail was a memo with several attachments. The attachments include copies of the contract scope of work and summary of the results of Dr. Stephen Fuller's Fiscal Economic Analysis of comparing the 2008 and 2010 drafts of the Comp Plan. We've included some mapping that highlights the changes to four of the Urban Development Areas that have occurred since the June 17th draft of the Comp Plan. Also, we included a listing of the amount of Resource Protection Area that was included in each of the land use designations. Also, we provided a write-up of some of the bases for various public facilities that are recommended in the Urban Development Areas, including things such as schools, fire stations, parks and park and ride facilities that are called out for in each of these Urban Development Areas. Also, there was a request for a legal determination regarding issues relating to the cost of growth that's discussed in the Comp Plan and you should have received a response under separate cover from the County Attorney's office on that. Also, we will be revising the numbering in the appendix; that's something that you didn't receive but we'll do in the future iterations of the draft Plan. Also, we included a revised maximum build-out table... in the maximum build-out table in Appendix D we revised the future residential units that are called out in the Urban Development Area to be based on a potential ten dwelling unit per acre density. Also, we've provided mapping that dates back to the 2008 Transportation Committee and their work regarding the transportation model run that looked at what was known as the "S" road which was a road that kind of cut through the middle of the County from Fauquier County over to North Stafford, and then also looked at the widening of Truslow Road and other existing improvements that did not include the Berea Parkway under that iteration. So that mapping from that effort back then is included. Also, we provided a breakdown of each dwelling unit type and each land use designation and how that information could be highlighted in the text leading up to Table 3.3. Also, identified the source of data used in figure 6.8 which is a mapping of major gas and electric lines. Also, the memo talks about the actions of the Board of Supervisors of recent. On September 21st at their meeting, the Board adopted a Resolution R10-306 which you've received and that directs the Planning Commission to conduct their public hearing on the draft Plan and provide a recommendation to the Board in sixty days. Basically, the deadline for this and for making a recommendation is November 21st. Also, the Resolution does include a request that the Commission incorporate five additional points of information into the Plan. And then also, some additional attachments included in the memorandum, staff did receive some follow-up comments on the Comp Plan from outside legal counsel and a lot of those comments are minor in nature and correct grammar and terminology to make the document more understandable. Also, you did receive, at your desk tonight, some add-on information. The add-on information includes revisions to the Plan text and a revision to one of the maps as a result of issues brought up at a prior meeting which the Commission concurred with those minor changes. Also, we did provide some additional supplementary background on some of the basis for the UDA criteria that's listed in the Plan, and that's kind of a one pager at the back of that add-on document. Also, you did receive comments on the Plan from Mr. Fields and Mr.

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Crisp. Also, I guess just to make note, two of the items, or the attachments, that were included in your memo, Attachment 4, two of the attachments would be potential changes to the Plan that would need to I guess be acted on or agreed to if we were going to move forward and make those changes. And those would be Attachment 4 which is the revised land use build-out table in Appendix D, then also Attachment 6 which provides the breakout of dwelling unit types in each land use district. And that summarizes I guess where we are now and I'll turn it back to you to get into more detailed discussion.

Mr. Howard: Thank you Mr. Zuraf. I guess... why don't we just go through... I appreciate your summary but I think we're going to need to go through some of the detail, if not all the detail, on what you just summarized. Ms. Kirkman?

Ms. Kirkman: Yes, just a point of order. Mr. Zuraf, you were saying that the Planning Commission would need to act on appendix but the Planning Commission voted at the last meeting already to include that.

Mr. Zuraf: That's true... yes, sorry, sorry. It would be the other attachment, yes.

Ms. Kirkman: Just to clarify that.

Mr. Howard: Which appendix...?

Mr. Zuraf: That was Appendix D, the revisions that we provided to the land use build-out table.

Mr. Howard: Which were what? Just refresh my memory.

Mr. Zuraf: That was making the adjustment for the Urban Development Areas to follow the ten dwelling unit per acre density that was discussed at the last meeting.

Mr. Howard: And how did it get to ten? What was it before the ten?

Mr. Zuraf: Before it was reflective of the 14,661 dwelling units, and then there was the discussion and debate on whether to go with that or the ten dwelling units per acre, consistent with the TND zoning maximum density.

Mr. Howard: Does the TND zoning exist today?

Mr. Zuraf: Yes it does.

Mr. Howard: Okay. And where did the 14,000 dwelling units come from?

Mr. Zuraf: Well, it's identified in the Plan and that came from the VEC projections of ten years' worth of projected growth in the County.

Mr. Howard: So, this is only in the urban areas?

Mr. Zuraf: Yes.

Mr. Howard: Okay. And the change went to ten dwelling units per acre I guess?

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Mr. Zuraf: Yes.

Mr. Howard: And what was the difference? What was the delta between the two numbers?

Mr. Zuraf: The delta was approximately 30,000 units. The revised number is 44,513 dwelling units in total in the UDAs.

Mr. Howard: And the Planning Commission voted on that and everyone was in agreement with that?

Mr. Zuraf: Yes.

Mr. Howard: The increase by 30,000?

Mr. Zuraf: Well, not the specific. What was in agreement was the concept of rerunning the model to be based on ten dwelling units per acre because we did not have these specific... the model wasn't and the build-out table hadn't been revised at that point.

Mr. Howard: Okay.

Mr. Rhodes: Mr. Chairman? As I recall, it was actually a couple few meetings ago where we talked about using the same methodology that was used in 2008 was kind of the discussion to use ten. And then the discussion at the last session was that this one did not yet reflect that and so there was discussion back and forth surrounding that because the previous two or three meetings ago we had talked about using the ten breaker. And then Mr. Hirons had made a recommendation let's just use this and we voted that down. Personally my position at that time was let's just do it one more time and let's figure out what it should be. And I thought by the instate we'll get to that point. But I did have a couple more questions surrounding what we have as (d) the maximum potential or theoretical or whatever we've come up with land use build-out table that would probably never happen. Is this... what I think I recall from prior questions was that we have had this in the last several Comp Plans or what preceded a Comp Plan, that we've used different methodologies at different times. It's not a standard requirement methodology that one uses for this, correct?

Mr. Zuraf: Correct.

Mr. Rhodes: So, we've applied different factors at different times; and what we were doing in 2008 wasn't necessarily what we've done every other time it's been in the Comp Plan, correct?

Mr. Zuraf: Correct.

Mr. Rhodes: Okay, so we had adjusted and applied different methodologies. So there's no perfect answer to how this is done. Now, is there a requirement to have something in a Comp Plan that is called a maximum land use build-out?

Mr. Zuraf: No, it's not a requirement.

Mr. Rhodes: So that in itself is just something we chose to have and we've had a couple of times, using different methodologies.

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Mr. Zuraf: Yes.

Mr. Rhodes: Okay. I just wanted to clear that up. I guess I had gone for a while thinking there was a degree of a requirement or thinking there was a degree of a standard methodology at which it was calculated. And so it was a bit educational to me last time when I started finding out there is not a standard approach or standard template. So I just wanted to clarify whether or not there was even a standard requirement to have it in the first place. Okay, thank you very much. Thank you Mr. Chairman.

Mr. Howard: Thank you. So, Mike, I would ask that we just go back to kind of how you started and let's just go through each one of these so everyone can understand what it is that, you know, is being either suggested or something that we need to have a debate here at the Commission level.

Ms. Kirkman: Mr. Chair? So, I didn't see it in the packet. I don't know if it came separately. Did we get another copy of the draft Plan with all these changes in it?

Mr. Zuraf: With all of which changes?

Ms. Kirkman: Like, you gave us a thing with lawyer recommended changes, we've got a couple of different sheets here...

Mr. Zuraf: No, there's not a new version or a new draft.

Ms. Kirkman: There's no... we don't have a copy of what would be the draft at this point?

Mr. Zuraf: No.

Ms. Kirkman: Okay, thank you.

Mr. Howard: That's why I think we need to go through it.

Mr. Zuraf: Okay.

Mr. Howard: I know you have slip sheets so we can refer to those, right?

Mr. Zuraf: Yeah, and some of that's already been provided to you from some of the previous changes, but there are additional changes that need to be made in response to those additional comments from the attorney.

Mr. Howard: Okay.

Mr. Zuraf: Item 1 was a request to see the contract and scope of work that served as the basis I guess for Dr. Fuller's work on evaluating the fiscal analysis, and...

Mr. Howard: When will the final draft, his final analysis be ready?

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Mr. Harvey: Mr. Chairman, we expect it will probably be finalized next week. Staff has received a draft. We have a meeting scheduled Monday to provide staff's comments back to Dr. Fuller, mainly just checking the accuracy of some statistics that the County provided to make sure they still match up. And then Dr. Fuller would issue his final report incorporating any comments if we had any.

Mr. Howard: So, there's a good chance we'll have that before... or at the October 20th meeting.

Mr. Harvey: Yes.

Mr. Howard: Okay.

Mr. Zuraf: One of the items that the... one of the five items...

Ms. Kirkman: So there is a full draft of the report at this point? Or is it just the tables that we got?

Mr. Harvey: We received a draft of a complete document, so we're reviewing it. It includes the economic analysis as well as the fiscal analysis.

Mr. Howard: And he indicated that he would be sending that when he presented to the Board; when I watched the video anyway that's what he said.

Mr. Zuraf: That's kind of tying into one of the items from within Resolution R10-306 from the Board. One of their five items was to, I believe it was actually item 3,...

Mr. Howard: Where is that, Mike, in this...?

Mr. Zuraf: It's Attachment 7, sorry; page 3 of 3, Attachment 7.

Mr. Howard: Okay. So there's five items listed on here.

Mr. Zuraf: Yeah, and item 3 was they requested a review of the mix of housing in relation to Dr. Fuller's analysis and make adjustments they deemed appropriate to enhance the fiscal element of the Comprehensive Plan.

Mr. Howard: Okay.

Ms. Kirkman: We don't have that report yet though.

Mr. Howard: But we have the table of...

Mr. Zuraf: We kind of have a summary.

Ms. Kirkman: So you can explain all of the numbers in the table because we haven't had a chance to go over that.

Mr. Zuraf: No I cannot.

Ms. Kirkman: Who can?

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Mr. Zuraf: I mean, I can answer certain questions about it but I don't have the in depth I guess knowledge that Dr. Fuller might.

Ms. Kirkman: Okay.

Mr. Howard: Well, I think what item 3 is asking us to do is review the housing mix portion of the tables that are presented in Dr. Fuller's analysis and make adjustments that we deem appropriate from a fiscal perspective to the Comprehensive Plan. And I think, if you go to the draft that's presented in this document, and you get to the piece, and I know there was a lot of discussion at the Board level about this on the video, if you get to the pieces of the was the detached/attached multi-family dwelling units and what they contribute. So, what revenue do they create but then also what expenditures do they create. And then the single-family seems to have less of a fiscal impact, single-family detached at \$429 and single-family attached was \$1,368 and multi-family is \$483. So, I believe that's what we're being asked to think about, look at and consider. And that's on the draft, page 205.

Mr. Fields: There's several sets of numbers though, Mr. Chairman, and they provide... it's difficult to figure out what the context is because it's difficult sometimes to assume what the assumptions are going into it.

Ms. Kirkman: And my concern is we don't even have definitions of what these things are. So, for instance, under multi-family there's an asterisk but there's no note to go with the asterisk.

Mr. Howard: I don't have an asterisk on my paper.

Ms. Kirkman: One of the UDAs calls entirely for condos. How are they considered in this? They're not identified anywhere.

Mr. Howard: When Mr. Fuller was giving his presentation, he indicated that, in his mind, a condo... if I'm recalling this correctly and, Mr. Harvey, you can correct me if I'm wrong... but a condo was more of a multi-family dwelling than which is what he was referring to.

Mr. Harvey: That is correct Mr. Chairman. I guess the one area I know there was some question about was how mobile homes would be classified and what land use type would they be under; and I don't recall specifically if it was under single-family detached or some other designation. I think that was one of the issues that he raised early on and I would have to go back and look at the notations on how that was derived, or where that was allocated to.

Ms. Kirkman: And, I would assume that the types of expenses and income generated by a traditional apartment building are somewhat different than those generated by condos. And so it's really difficult to do what we've been asked to do when we don't know what exactly multi-family includes in terms of the mix of condos versus traditional apartments.

Mr. Howard: Well, we do know because we have a video tape of Dr. Fuller making the presentation and that was brought up on the tape that everyone received. So, we actually do know that.

Ms. Kirkman: So what is the number then?

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Mr. Howard: So, what's the number of what, Ms. Kirkman? Did you watch the video?

Ms. Kirkman: So, for instance, in table 7, multi-family... Mike, can you tell us like how many units of condos that is and how many multi-family buildings that is?

Mr. Zuraf: That would go into the assessed value or...?

Ms. Kirkman: Well, right, into the assessed value and then... did he assume that the student generation is the same for condos as for single-fam... as for multi-family apartments?

Mr. Howard: No.

Mr. Zuraf: Can you repeat that?

Ms. Kirkman: Did he assume the student generation is the same for multi-family as it is for condos?

Mr. Zuraf: I believe that... I couldn't answer that right now.

Mr. Howard: My recollection is there was a different numerator used for each type of dwelling unit that would create children and the demand for the schools.

Ms. Kirkman: Because I only remember seeing three different generators.

Mr. Zuraf: It may be; I'd have to check on that.

Ms. Kirkman: Okay.

Mr. Howard: Well, ask your question again because I think there are only three.

Ms. Kirkman: Right, and... well...

Mr. Zuraf: You were asking if there was a difference between condominiums and like for rent apartments.

Ms. Kirkman: Correct. Both in terms of student generation but also in terms of the expenses to the County that are incurred and the revenues that are generated; because aren't... condos are treated as single owner occupied for tax purposes? Is that correct? But multi-family, are they taxed as commercial properties rather than owned residential? I thought there was some difference in the tax structure for those?

Mr. Harvey: I'm not sure about the specifics on the difference for the tax structures. I know that they have to base it on assessed value of like properties. You do have a different ownership pattern with apartments versus condos, whereas condos typically you own within the walls of your building. The exterior building and the land around it is commonly shared and you get your... there's an incremental I guess added onto the value of your home based on those external amenities. Whereas, as apartment complex, you're being assessed on the whole thing as one unit.

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Ms. Kirkman: I guess that's where my... are apartment buildings assessed as residential properties or as commercial properties because the way the assessment is done is different, isn't it? Because the commercial properties are assessed based on... doesn't it have something to do with the revenue generated? I seem to remember hearing this from a presentation from the Commissioner of Revenue, versus residential properties which are based on assessed value. And I also seem to remember that multi-family goes in the commercial side, not on the residential side.

Mr. Howard: For the purposes of this discussion, Ms. Kirkman, the three dwelling units identified in the fiscal analysis which map to those currently in the Comprehensive Plan in terms of, we're speaking primarily at the moment about the UDA mix, they map to each other in terms of terminology. And single-family detached homes have a fiscal impact of \$429, single-family attached homes have a fiscal impact of \$1,300 and a multi-family dwelling unit has a fiscal impact of \$483; and we're being asked to look at that and understand that and then look at the Comp Plan in its current state and determine... Really I think what we're being asked to do is should we be looking at single-family detached and, keep in mind, this is information that Dr. Fuller put together based on historical what is and what has been in Stafford County, which we didn't do prior to him doing the Fiscal Analysis. So, he went back over a period of time in Stafford County and then he also leveraged what he knows from other municipalities and counties that he's worked in and, you know, that's how he's come up with the numbers. So, I think what we're being asked to do... we're not being asked to understand the taxing of Stafford County, we're being asked to understand what impact, if any, does that have in the Comprehensive Plan.

Ms. Kirkman: Mr. Chair, I understand exactly what we've been asked to do. The reason why these things...

Mr. Howard: Then we should do it.

Ms. Kirkman: The reason why these things are important, the difference between condos and multi-family apartments, is the UDAs specify very specific types in terms of multi-family versus...

Mr. Howard: Well, let's pull out a UDA and let's go through an example.

Ms. Kirkman: And, Mr. Chair, I would like to finish without being interrupted and you've now interrupted me twice. May I finish?

Mr. Howard: Sure, why not Ms. Kirkman.

Ms. Kirkman: So, I think the reason why it's important to understand the methodology is if we're going to be asked to make recommendations regarding the housing mix and, in particular, since condos which are a very different animal than multi-family have been lumped in together with multi-family, how do we know in fact what is the fiscal impact of a condo versus a multi-family apartment? We don't. We don't have that information in front of us.

Mr. Howard: How did you know on the 2008 Plan?

Ms. Kirkman: Excuse me? This kind of analysis wasn't done on the 2008 Plan.

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Mr. Howard: Right. So, it's a new analysis and it's being brought to our attention that there's a cost to the dwelling types that we have proposed in the Plan and it's been summarized into three different types of dwelling types. And what we're being asked to do is look at those three different dwelling types, based on the fiscal impact they have in the County, and determine if this Comprehensive Plan has taken that into account and, if not, what should we do differently in terms of the dwelling types that are in the Plan. That's what we need to do. So, Mr. Zuraf?

Mr. Fields: I would propose one approach that should make it really simple is that if you look at table 5 and 6, for the 2008 Plan you have 2010-2030, over a twenty year period you have a negative two and a half million dollar impact and the other plan, the 2010 Plan, same twenty year time period, you have a plus one million dollar impact; three and a half million dollars difference out of a three hundred million dollar plus County budget over twenty years hardly seems even worth bothering to spend any time on. That's like a penny on... the difference between those things is practically like a penny on the tax rate. You can adjust the tax rate a penny... out of a three hundred million dollar budget, escalated in cost over twenty years, I don't know what your total amount of money is there but it's like a big number, I'm pretty sure. And three million dollars out of twenty years of three hundred plus million dollars seems hardly even worth the time to consider what that is, versus the basic concepts of good planning in terms of housing mixes and transportation infrastructure.

Mr. Howard: All of that should be considered and I personally... my belief is the Fiscal Impact Analysis was important to do and if the County can save three million dollars over a period of time, the County should look at that. And a penny on our tax rate is huge in this County for the people who live here of the types of incomes.

Mr. Fields: But this is over twenty years, Mr. Chairman. That's really an insignificant amount of money.

Mr. Howard: I think it's a significant amount.

Mr. Fields: You think three...

Mr. Howard: I think three million dollars is huge; it's more than some people make in a lifetime themselves. I think it's a tremendous amount of money.

Mr. Fields: Okay, okay.

Mr. Howard: So, I think we need to be fiscally prudent. So, Mike, the to do as you understand it is to look at the dwelling unit types and the fiscal impact and then I guess we go back to that section that you referenced which was item number 3?

Mr. Zuraf: Yes.

Mr. Howard: Okay. What section was that again in this thing?

Mr. Zuraf: It was Attachment 7, page 3.

Mr. Howard: Attachment 7? Okay. Did staff... have you gone through that yourself?

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Mr. Zuraf: No we have not.

Mr. Howard: You have not done that? Okay. I was going to ask if you had any comments or observations; or, Mr. Harvey, if you did after seeing the study and then looking through the dwelling types, dwelling units.

Mr. Harvey: Mr. Chairman, staff has not made any recommendations as far as adjustments I think goes back partly to the discussion we were just having about what is the desire for the Planning Commission's vision for the community in the future. Do you want to have a mix of dwelling unit types? Do you want to specify what that mix should be? And is the mix in the Plan currently appropriate?

Mr. Howard: Right. And I don't know that we can say yes or no. So, why don't we take one of the UDAs and just start, look at it and see if it makes sense to kind of go through that. So what's the first UDA in the book here?

Mr. Zuraf: Courthouse area.

Mr. Howard: Courthouse? Well, that's one that was... it might not be a good example actually. What page is that on Mike? So this has the projected dwelling units of 656 and I know there was a question in some of the UDAs and we could probably answer the question here and then carry it forward. What was some of the criteria on the generalized parameters? We talked about the pedestrian shed, what that meant and how that actually starts the real initial calculation of the dwelling type or dwelling units. Mr. Zuraf, if you want to cover that.

Mr. Zuraf: With the Courthouse area, I guess what it basically is, it kind of spells it out in the description in that it first notes that the... it references the redevelopment area plan and what's recommended as far as future units in that area. And that is a recommendation of 1,313 new units that's recommended within the redevelopment area. But when you look at the density across the entire redevelopment area, it's a very low density that does not meet the UDA requirement. So, what was done is that unit number was cut in half to 656 units to be located in the smaller Urban Development Area. In that smaller area then you get the density needed to meet the UDA requirements, so that's how the 656 units came about.

Mr. Howard: Okay.

Mr. Zuraf: And the commercial square footage noted of approximately 1.3 million, that was all specific recommendations out of the Courthouse Area Redevelopment Area Plan.

Mr. Howard: Does anyone have any questions on that for Mr. Zuraf?

Mr. Fields: Still grappling with why, particularly since the Boswell's Corner was just sort of yanked with no real... you know, just dropped, pretty summarily this is the only UDA left that has a reasonable employment profile for the near term. So out of 14,000 some units that we need to accommodate in the UDA, why would we only... I don't understand why you would only put 656 in the one UDA that actually has the capacity to collocate working and residences. I don't understand the logic behind that. Why wouldn't you want to maximize... particularly with the loss of the Boswell's Corner UDA, there were only two UDAs that had a reasonable chance in the near term of having real

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jobs there, Boswell's Corner and the Courthouse. And so Boswell's Corner is gone and now the Courthouse is 656 units. That means that out of all of those UDAs, you're basically avoiding the reasonable possibility of collocating jobs and residences.

Mr. Howard: I think Mr. Zuraf indicated this is probably one of the smallest UDAs; it also has the smallest or has smaller parcel types, right?

Mr. Zuraf: Right. It probably is a product of just the overall size of that UDA.

Ms. Kirkman: Mr. Zuraf?

Mr. Howard: And that's what will fit in that acreage.

Ms. Kirkman: Why does the text say that there are going to be 1,446 dwelling units with 1,313 additional new ones, but the bottom line says 646 or 656?

Mr. Howard: Because of the redevelopment area.

Mr. Zuraf: What was done, it appears that the... well, the 1,446 is total so it's going to be your existing units plus future, and then in parentheses, the 1,313 is your future units that are recommended in the Redevelopment Area Plan. And then the 656 is half of that 1,313.

Ms. Kirkman: Why aren't we just expanding the redevelopment area to... why aren't the boundaries of the UDA the same as the redevelopment area?

Mr. Zuraf: That's I guess a policy decision for you all to consider. This is how it was drawn up and brought forward and I guess we've not received any comments or... and there have not been any requests to expand that area. So that's definitely an issue that's on the table.

Ms. Kirkman: So, in the redevelopment area, there's proposed an additional 1,313.

Mr. Zuraf: Yes.

Ms. Kirkman: Exactly half of which are in the UDA and half are not.

Mr. Zuraf: Correct.

Mr. Howard: Correct.

Ms. Kirkman: So, why wouldn't we expand the UDA and include the entire Courthouse Redevelopment Area and move some of those units from green fields, for instance, into this area where there actually are jobs?

Mr. Howard: That's the methodology that was used throughout the whole process and no one's brought it up.

Mr. Zuraf: Yeah, this is how it's been brought forward and this is how it was always drawn up in the original proposal for these UDAs.

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Mr. Howard: Right. And again, keep in mind the UDA design was designed with these pedestrian sheds. So you'd have a pedestrian shed at the center and you would also hope that there's transportation available in the center of that, and you have a walkable neighborhood, pedestrian-friendly neighborhood. And from there you would grow throughout the RDA. So, fifty percent of the units, from a density perspective, were allocated into the UDA on each UDA basically from the RDA. And that's how the Plan was formed. And the RDA was created several different ways over the last couple of years with lots of input from lots of different people. So, we agreed many months ago to include that as part of the Plan which hadn't been thought previously. So, that's how those dwelling units were derived at. And it goes back to some of the form based code that we've talked about as a group. It goes back to pedestrian sheds are a standard practice, it's an accepted practice, and makes sense that you'd have these communities where you could create whether it's apartments or condominium dwelling units that it's walkable, people can walk there, live there, shop there; all those things.

Mr. Zuraf: When staff also mapped out the boundaries, that was staff's responsibility to kind of map out these boundaries, and we worked off of... in these UDAs that were related to the redevelopment area plans, we worked off of the land use concept plans that are within the redevelopment plans and kind of identified which those land use concept plans kind of show the core areas. And so we based the UDAs on those core areas as they were provided within those documents and matched up the boundaries as best we could to those areas. So, just to describe how the boundaries got to where they were.

Ms. Kirkman: And what are the type of dwelling units here?

Mr. Zuraf: These are all condominiums. It says, well, future apartments or condominiums.

Ms. Kirkman: Apartments or condominiums. And we have an aggregate figure which we don't know how it's weighted in terms of the impact, so condos versus apartments.

Mr. Zuraf: Correct.

Ms. Kirkman: Thank you.

Mr. Howard: So, it doesn't appear that that was a good choice because there's only the one type of dwelling unit, Mike. We could go into the Southern Gateway now I guess and look at that.

Mr. Zuraf: Okay.

Mr. Howard: That is 1,876 proposed dwelling units.

Mr. Zuraf: And in an issue that was brought up here is that in the document, on page 3-21, the Plan mentions that the Redevelopment Plan recommends 3,674 dwelling units, but it actually does recommend 5,674 units. So that was just a typo and so that should be changed to match up, follow along with what the Plan says. It was not the intent to reduce what is recommended in the Redevelopment Area Plan. Then, within here though, the UDA number was identified as 1,876 future units and that was a fifty-fifty split between condos and townhomes; 938 each.

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Ms. Kirkman: And at this point, Mr. Chair, we can't make any recommendations regarding that mix because we don't know the differential impacts of those two types of units.

Mr. Howard: Right. It's the same as the Courthouse one because it's an average in terms of the multi-family, which is the \$483 number. Well, actually we do have a difference because the... Mr. Harvey, correct me if I'm wrong on this... but isn't the single-family attached, is that a townhouse?

Mr. Zuraf: Yes.

Mr. Howard: So, we are proposing two dwelling types in this UDA.

Mr. Fields: Once again, we don't have a fiscal analysis differential between rental apartments and owned condominiums.

Mr. Howard: Well, it's a blend in the multi-family, so you know that there's a delta between the multi-family and the single-family.

Ms. Kirkman: But we don't know... this doesn't generically refer to multi-family; it specifically states condos. And we don't know the number for condos.

Mr. Howard: But the number for condos includes condos and also I believe it includes apartments. Is that right Mr. Zuraf or Mr. Harvey? Is that part of Mr. Fuller's explanation? I thought it was.

Mr. Harvey: Yes, I believe multi-family is condos and apartments.

Ms. Kirkman: And what's the mix there that he used in his assumptions?

Mr. Harvey: I would have to go back and look at documentation on that.

Mr. Howard: Yeah, he was pretty precise about that. I don't recall what it was but he was pretty precise. So we do know there's a difference between the two dwelling units that are proposed here. And, again, if you looked at the pedestrian shed here, largely that's the basis for the condos/apartments, that number, and then you build from beyond that and you would go into townhomes and then single-family homes and so on and so forth.

Ms. Kirkman: Mr. Zuraf, how many residential condos are there now in the County?

Mr. Zuraf: I'd have to look into that.

Ms. Kirkman: And how many multi-family buildings?

Mr. Zuraf: I'd have to look into the existing number of condos versus multi-family. I don't have that information.

Ms. Kirkman: Because it would be helpful to know historically what the mix of those has been.

Mr. Howard: So, I don't hear anybody with an appetite to change those. Okay, what's the next one?

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Mr. Fields: Well, I do.

Ms. Kirkman: I have an appetite to change them but that would not... we can just skip that process.

Mr. Fields: I mean, are we entertaining alternative ideas to the Southern Gateway or the Courthouse Redevelopment Areas, mix and sizes? Or are we simply... I don't know, I thought we were just looking at these numbers...

Mr. Howard: We're just looking at the numbers on the UDA. We're trying to follow number 3 and we can get into the alternatives after that.

Mr. Fields: Okay.

Mr. Howard: Southern Gateway; Mike, there's how many dwelling units proposed?

Mr. Zuraf: One thousand, eight hundred seventy-six. And it's half and half for condos and townhomes.

Mr. Howard: Did we do that one already?

Mr. Fields: Yes.

Mr. Howard: Yeah, okay; I'm sorry, I meant Stafford Station is next.

Mr. Zuraf: Stafford Station we have...

Ms. Kirkman: This is the Widewater UDA?

Mr. Howard: Yes.

Mr. Zuraf: Stafford Station we have 3,250 dwelling units of which we've got 750 condominiums, 300 townhomes and 2,200 single-family units. And these units were adjusted as a result of the work of kind of the Joint Subcommittee previously. When the Boswell's Corner Urban Development Area was removed, the numbers basically were re-allocated to Stafford Station, George Washington Village and Centerport, and, at the same time, the mix was adjusted; the mix of units were adjusted to generally increase the number of single-family detached homes in those areas from 1,000 to 2,200 and the multi-family and townhome units were reduced.

Mr. Howard: Okay. Mike, did you go over the methodology, because I know there was a question on the parks and also the parking spaces.

Mr. Zuraf: No. I guess that's kind of getting into the other issues of beyond the units but...

Mr. Howard: We can wait because this is the first time that parks really show up, so we'll just keep going on the dwelling units, so people have an understanding of the dwelling units. The next is the George Washington Village and the projected dwelling units there are 3,250 and projected new commercial square footage of over 10,000.

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Mr. Zuraf: Ten million, yeah.

Mr. Howard: Ten million; sorry, thank you.

Mr. Zuraf: That mirrors the Stafford Station with the mix and number of multi-family townhomes and single-family.

Mr. Fields: Same exact numbers?

Mr. Zuraf: Yes.

Mr. Fields: Seven fifty, 300, 2,200.

Mr. Zuraf: Yes.

Mr. Howard: What does that mirror again? Can you say that again Mike?

Mr. Zuraf: It mirrors Stafford Station with the mix and number of different types of units.

Mr. Howard: Right.

Mr. Fields: Where was the... again, kind of trying to figure out how we get to the extraordinary amount of commercial square footage that appears in this one, it was quite a bit larger than the others; 10.3 million square feet of commercial.

Mr. Zuraf: My understanding to that is the big thing is the 8.7 million square feet of commercial space within a business campus. And so my understanding there is that's more of an add-on that goes beyond what the actual kind of ten year need would be. And so it's kind of more so extra area and it's kind of an addition to the whole proposal to identify additional commercial space in this area.

Mr. Fields: But commercial... and it says 8.7 million of commercial office space.

Mr. Zuraf: Yes.

Mr. Fields: Does it anticipate what the source of employment for 8.7 million square feet of office space would be?

Mr. Zuraf: No, it does not get into specifics on that.

Mr. Fields: Do you know how much, since the latest expansion in let's say the last decade, do you know how many square feet of office space has been added up in 610 and around the Courthouse, approximately?

Mr. Harvey: We'd have to check into that.

Mr. Fields: Okay. Essentially, with the exception of a few smaller offices such as medical offices, etcetera, etcetera, has there been significant expansion of commercial office space in the County other

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than related to Quantico or the Courthouse area? I mean, there's little offices that go up everywhere, but I mean large office projects.

Mr. Harvey: We've had one, the North Stafford Center for Business and Technology on Garrisonville Road. It's a sizeable office complex. We've had a number of, I call them boxes, former large stores that have converted to office space are pretty sizeable.

Mr. Fields: That's all been in the Garrisonville area though, right?

Mr. Harvey: Yes. There's been some office space development on Route 17 that's been a little bit more limited in size.

Mr. Fields: Okay.

Ms. Kirkman: Mr. Zuraf, did Mr. Fuller do any analysis of what the projected commercial need would be in terms of square footage?

Mr. Zuraf: Yes, he did evaluate and determine the amount of commercial need.

Ms. Kirkman: And what number did he come up with?

Mr. Zuraf: Okay, on the first page of the Fiscal Analysis, table 1 is a breakdown of commercial uses. And it's broken out by office, retail and other, and it projects out future jobs, building space in millions of square feet.

Ms. Kirkman: Okay, got it. So that's 12.2 million and that's for the entire County?

Mr. Zuraf: Yes.

Ms. Kirkman: And in this one UDA we have 10.3 million square feet.

Mr. Zuraf: Yes.

Ms. Kirkman: Which means only, according to Dr. Fuller, only an additional 1.9 million square feet of commercial can be absorbed in the entire rest of the County if this ten million is used in this one UDA.

Mr. Zuraf: If it all happened there, right.

Ms. Kirkman: So, what's the total commercial square footage in the... I'm just trying to find this figure... what's the total commercial square footage in all the UDAs combined? Where have we got that?

Mr. Fields: Don't we have that in the maximum built-out?

Ms. Kirkman: You know, I've got so many charts now...

Mr. Fields: The urban says 24.769 million in the eight UDAs, non-residential.

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Ms. Kirkman: And that doesn't include...?

Mr. Fields: That includes shopping. I would assume retail is in recreational as well as office.

Mr. Howard: It does. And keep in mind, in many of the UDAs in the pedestrian shed, the way that we structured this it's actually required that there be commercial as part of the residential development. Is that right Mr. Zuraf?

Mr. Zuraf: Can you repeat that? Sorry.

Mr. Howard: So, in the Plan, in these pedestrian sheds, in these Urban Development Areas, there's a requirement that there be a certain amount of commercial square footage, right?

Mr. Zuraf: Right. And that's kind of singled out separately within each UDA.

Mr. Howard: But that's also adding to the total for the County.

Mr. Zuraf: Yes.

Mr. Howard: Right, so that's what's inflating the numbers slightly. And then these other areas we looked at, geographically where could you... where can we facilitate more jobs and growth and so on and so forth, because you have space to build an eight million square foot business campus.

Mr. Zuraf: I would note that I think all iterations of our past drafts and also our current land use plan tends to project or plan out for a lot more commercial space than would actually normally occur. But that's just kind of has been the trend here and is kind of continuing in this latest draft.

Ms. Kirkman: Right. So, to understand the extent to which it does this in this plan, the UDAs alone contain nearly double the amount Dr. Fuller has suggested could possibly be used, not over a ten year but over a twenty year span. And then, according to the table for the countywide, we've got 34.7 million which is nearly triple what Dr. Fuller has projected could be used over the twenty year timeframe. Okay, thank you.

Mr. Zuraf: Correct. If that's all with the George Washington Village, we'll go to Brooke Station. That is 750 units with a mix of 400 condos and 350 townhomes. I think the thought there was this was a much smaller area and you would basically be limited to more of your urban town center type of development in this location, that's why you don't have the mix of single-family homes in this area due to I think the size of this UDA.

Mr. Howard: Right.

Ms. Kirkman: Wait... what's urban about Brooke?

Mr. Zuraf: In the plan, I'm referring to this Urban Development Area.

Ms. Kirkman: Oh, okay; thank you.

Mr. Zuraf: Yeah, not the current situation; if that was your question.

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Ms. Kirkman: Yeah.

Mr. Hirons: But the driver is the fact that it lets the transportation know it has the rail station already there.

Mr. Howard: Yeah, keep in mind that is a requirement for the UDAs based on the way the state drafted the legislation. So we're trying to meet that and certainly with the transportation there, it meets that. Eskimo Hill?

Ms. Kirkman: Well, I did have a question Mike. What is... like, again, getting to the commercial square footage. So this is a very rural area of the County, we're going to have this one UDA with 750 units plopped into the middle of it; how does that generate the demand for 1.5 million square feet of commercial?

Mr. Zuraf: I believe it's just, in a lot of that, that commercial square footage is driven by the UDA requirements and the UDA legislation that requires .4 FAR along with the certain residential density requirements. So that's how each of these areas were crafted is you always have to provide your commercial up to .4 FAR within at least a portion of the UDAs. That's the way these were identified.

Ms. Kirkman: So, when a plan comes in for the Brooke UDA, when it's formally submitted it will have 750 units and 1.5 million square feet of commercial on it in order to meet the requirements of the UDA?

Mr. Zuraf: That's what it would have to have.

Ms. Kirkman: It would have to have that.

Mr. Zuraf: In order to meet it.

Mr. Howard: Yeah, that's really a large piece of the premise behind the UDA is to have that commercial square footage go along with it.

Ms. Kirkman: So, these UDA square footage and units are not guidance, they are requirements. So, a plan that comes in for Brooke UDA has to have 1.5 million square feet of commercial in it?

Mr. Zuraf: Well, all of this is a guide, but the way the plan... I guess the... Okay, the requirement is that the plan has and identifies a potential for .4 FAR commercial and the certain residential densities. Whether that is followed, that's up to the County and the Board of Supervisors because this is all a guiding document.

Mr. Howard: Well, yeah, but depending on the developers that come in and what they're proposing, I mean, it's a guide like any other Comprehensive Plan.

Ms. Kirkman: So it could come in with 750 residential units and one coffee shop.

Mr. Zuraf: And it would not conform with the Comprehensive Plan.

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Mr. Howard: And we would have a Comprehensive Plan review, we would discuss it like we always have and we'd work through it or we would say no, that's not going to happen.

Ms. Kirkman: So anything... well, I'm just trying to understand what it means to have this commercial figure in here because, quite frankly, 1.5 million square feet of commercial in Brooke is not going to be supported by 750 townhomes and condos. That's just an absurd notion that that would happen. So, any plan that comes in that does not have 1.5 million square feet of commercial in it is not compliant with the guidance in the Comprehensive Plan?

Mr. Zuraf: Correct.

Mr. Harvey: Mr. Chairman, may I inject a little bit?

Mr. Howard: Sure Mr. Harvey.

Mr. Harvey: All this discussion is assuming that one entity is going to come in with a project that covers the whole area. The likely scenario for any of these UDAs, since they are fairly large areas, is that you're going to have multiple property owners and multiple different applications. But each one of them is going to have to be weighed on its merits as to how it complies with the plan recommendations, and then also how it complies with all of our other policies we have with offsetting impacts to infrastructure. It's likely that you may have some projects maybe describing what Ms. Kirkman was saying where you have a portion of the project that may be almost all exclusively residential but have a limited commercial component. You may have some projects that will have more commercial than residential, if no residential. It's all going to depend on property ownership and individual developer applications.

Mr. Howard: Right, but over a twenty year period the thought is, in this UDA, you'd have 1.5 million square feet of commercial which includes a variety of commercial and probably at least 750 dwelling units.

Mr. Fields: So, let me get this right. If there really is a requirement that the plan submitted be in conformance with the... that they can be individually components of this, that would mean that in every one of these that developers could come in and propose to build-out all the residential properties before ever touching the commercial component of it.

Mr. Howard: No, that's not true because in the...

Mr. Fields: What in the language of the Comp Plan prohibits that?

Mr. Howard: Well, if you came in and built let's say 250 dwelling units, you would still have to take that .4 FAR and create that commercial square footage.

Ms. Kirkman: Could we get guidance from the attorney on that because that doesn't seem to be what staff has suggested so far.

Mr. Fields: Yeah, I'd like to (inaudible). That's a key component.

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Mr. Howard: Yeah, that is a key component. I believe, in the language... and Mike, you may know better than I... in the language though, with the UDAs and what qualifies you to have the UDA is this commercial square footage component which is part of the state legislation. So, I don't know that that's an option. I think there has to be a commercial... my belief is there has to be some commercial square footage, you know, new commercial square footage built at the same time you're building the dwelling units. And I don't know if Mr. Smith or Mr. Zuraf, if you guys are that intimate with the legislation or not.

Mr. Zuraf: I don't know if that would necessarily be required. I think what's being envisioned with the follow-up work that will be occurring under our UDA grant is that we'll be getting to a point where we can develop more detailed area plans that would identify, okay, within this larger area it calls for this overall number of 1.5 million square feet and a certain number of units and, okay, where would that go.

Mr. Howard: Right, and also the form based code. We'd end up recreating some of the zoning legislation...

Mr. Zuraf: So, maybe if somebody comes in in a portion where it's planned for residential then they would be okay there. But right now it's all very conceptual and I guess the idea, as we head down the road, is to get more specific as to where that would specifically be located within each area.

Mr. Howard: Right.

Ms. Kirkman: So, Mr. Chair, if you could please clarify for me. It seemed to be just a moment ago you were saying any plan that came in in a UDA would have to have .40 Floor Area Ratio for commercial as part of the plan.

Mr. Howard: That was my belief and understanding, Ms. Kirkman, and that's why I asked Mr. Smith or Mr. Zuraf if they had more intimate knowledge than I do.

Ms. Kirkman: Okay. And so... so was that a yes or was that correct or not correct? That any plan that comes in has to have... any plan that comes in for a UDA has to have a component that is .40 Floor Area Ratio for commercial.

Mr. Zuraf: I would want to check the state code on that first. My thought is no but I would need to get back with you on that.

Mr. Howard: I would also add that we're going to have to change some of the Zoning Ordinances. And also, we've talked as a group about the form based code which is in here in the beginning of the document that that's something that we would adopt. And within that form based code that's where you see the combination of commercial and residential you know being utilized and I believe that's the true intent of the legislation in the Commonwealth of Virginia is to see more of those types of developments occur.

Ms. Kirkman: Well, if in fact the understanding of this is that any plan that comes in for a UDA has to have a component that's .40 Floor Area Ratio...

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Mr. Howard: I don't know that the .40 FAR is the exact, but I do believe that there is some component of commercial that's required, otherwise it can't be a UDA.

Mr. Fields: I think, Mr. Chairman, if I might express my concern. Now I understand how these numbers are sort of flowing out of a formula established by the state code which helps me understand the very large commercial numbers. I think the source of my concern, just to be clear, is that if you have more commercial than can really be utilized by the number of people living in the UDA, you've just got people moving in and out of the UDA just like they would a typical subdivision for the basic services. You know, a number that was brought to my attention many years ago looking at a potential plan that was trying to be more self-contained is that a typical grocery store, say a seventy or eighty thousand foot Giant, etcetera, requires 4,000 rooftops basically in a mile radius to support it. So, none of these UDAs, self-contained, none of these, all eight of them, none of them would even support a grocery store. So, without having people coming in from the outside... if the grocery store was located in the center of the UDA where you would want it so people could walk to it, people would have to travel in and out of the UDA from other parts of the County in the region to support it or else you would have what has been proposed with some mixed use developments and various plans for Eskimo Hill and some of these other UDAs which have already had proposals on them, is that you build a commercial component out on a highway where everybody can get to it and then the rest of the mixed use is behind it, like you kind of have with Celebrate Virginia North. But that, of course, is really getting antithetical to the vision of new urbanism because then you've got strip centers on the highway and residences behind it; even if they're more compact or more walkable, that's an improvement. But that's my concern with this is there's no convergence here. Four hundred condos and 300 townhouses really is not very much rooftops to support very much other than what we would normally call neighborhood commercial. Maybe a coffee shop, hair salon, nail place, that kind of stuff. And so, though I understand the numbers are driven by a formula, I'm concerned about putting out a document that is the vision of the County, the articulated vision of Stafford County, in the Comprehensive Plan that has numbers that don't really jive in the real world if the ultimate goal of this is new urbanism. I understand the numbers are generated by formula but it's a big problem because they're not realistic.

Mr. Howard: Well, I appreciate your opinion. Okay, are we on Brooke Station? We finished that? We're on Eskimo Hill actually I think, right?

Ms. Kirkman: Mr. Chair, if somebody could explain the overall math of these UDAs to meet... so each UDA has to have a commercial component. The UDAs have twice as much commercial in them as the entire County can support over the next twenty years, not the next ten years, which is what the UDAs are structured on. So... I just don't understand how you're going to end up with the right mix of residential and commercial each of these UDAs.

Mr. Howard: Well, you know, if you get back to the original premise when we started this process, part of the requirement is to have these transportation notes available in the UDAs. If you looked at all of the density that's required under the new legislation or as the legislation exists today, we don't really have one or two areas in the County that could handle that type of density to include residential and commercial, and not totally cripple some portion of the County. So we looked at where do we have existing transportation corridors today, leveraging Route 1, Route 95 and also the rail, and then looked at those areas and said okay, how much could you do there and what would make sense in terms of the density and also the building... basically using the state legislature's information more directional than anything else. And that's how this plan came to be. So it's not something that somebody pulled out of their hat; it isn't something that wasn't thought through thoroughly. And by

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the way, these RDAs were created years ago. So we leveraged information and a lot of hard work that was done by many people in the County and looked at those RDAs and said you know what, a lot of those RDAs would be the good breeding ground for the UDA, for a variety of reasons.

Ms. Kirkman: Absolutely.

Mr. Howard: And that's how we ended up where we are today. We can sit here and challenge this and criticize it all we want; God Bless us if we want to do that. But at the end of the day, we've got to get to a plan that at least directionally moves the County in the right direction. I think everybody agrees with the new urbanism. I think everybody agrees with these pedestrian sheds that are proposed. And, you know, the other thing is, in five years from now we're going to be going through this again because this plan gets updated every five years and should be. And if we find out our numbers didn't vet out the way we thought they did, we have to change it. Right? So, at the end of the day, that's what we have to do.

Ms. Kirkman: Except for, Mr. Chair, unfortunately there's this thing in Virginia called vesting and if we've gotten seven residential UDAs without the commercial component, we're stuck with them regardless of what changes are made to the Comprehensive Plan five years from now.

Mr. Howard: Yeah, I'm not sure that that's accurate though because I'm not sure how the vesting works with the UDA. I'm not sure if Mr. Smith knows that.

Ms. Kirkman: Well, a UDA would require a rezoning and a rezoning is a significant governmental act; is that correct?

Mr. Howard: Well, I didn't think we were rezoning the UDAs; I thought we were going to come up with form based code... I mean, I don't think these properties are being rezoned, are they Mr. Zuraf?

Mr. Zuraf: They would likely be... that's an option...

Mr. Howard: Well, if an applicant came in...

Mr. Zuraf: Yeah, the applicant would have to come in. I don't think it would be a County action to zone it to...

Mr. Howard: Right, of course. But by passing the Comprehensive Plan, automatically these properties don't get rezoned.

Ms. Kirkman: They have to come in for a rezoning.

Mr. Howard: That's not what was implied.

Ms. Kirkman: No, they have to come in for a rezoning.

Mr. Howard: Absolutely they would.

Ms. Kirkman: And that rezoning...

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Mr. Howard: Like any other project in the County, that doesn't... the process doesn't change.

Ms. Kirkman: And Mr. Smith, my understanding is a rezoning, if it's passed, is a significant governmental act that then vests the property.

Mr. Howard: Yeah, that's true.

Ms. Kirkman: Is that correct?

Mr. Smith: Yes, a rezoning can be... is one of the significant affirmative governmental acts and can be the basis for vested rights.

Ms. Kirkman: Okay, thank you.

Mr. Hirons: Mr. Chairman, can I just add that some of this discussion we're having, particularly about the commercial and the required commercial space might be one of the failures of the legislation itself. I know one of the members of the Board of Supervisors is working with the members of the General Assembly to try to fix one of these things. And what they really need are good solid examples of where the legislation is not beneficial to the county in particular. So I would recommend that you speak with your member of the Board of Supervisors to let them know where the failures are and make sure...

Mr. Howard: Yes, make sure they communicate that to the State Legislature. I agree.

Ms. Kirkman: Well Mr. Chair, I think one of the things that is helpful is one of the numbers that we have tonight that we have not had in the past, is what Dr. Fuller has projected out as the twenty year commercial square footage that is needed in the county. And given that this is the first night where we have had that, I think it really does call into question spreading out these UDAs where no single UDA is large enough to support significant commercial components.

Mr. Howard: There is no question about that. That is why we had to spread them out over... there are a few other counties going through this same generation right now. One is just south of here and they have six UDAs in their proposal and their population... my guess is when the census is done in the county it probably will be a one hundred and twenty seven thousand, you can quote me on that. And there are counties the when the census is complete it will be in the nineties and they are struggling with this as well. And they are going to six UDAs and it is what it is. But again we tried to look at what exist today in terms of transportation, what would not cripple the county and how could you in a logical way, and I would have to say whoever did the work on the RDAs did a good job. Because those were good places to start and there was a lot of homework done on that in terms of renderings and what could be from a conceptual perspective.

Ms. Kirkman: Well Mr. Chair, if you looked at what exists today for transportation, I don't understand how you came up with the Widewater UDA since there is no VRE station there and that...

Mr. Howard: But it is along...

Ms. Kirkman: And that UDA requires the construction of a four lane highway that does not exist.

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Mr. Howard: Which we are going to have developers participate in and I think what everyone else if forgetting, we are... we have a little bit of leverage in terms of how we can get more from those who want to participate in Stafford County and help build here. They are going to have to help infrastructure with the County and, you know, we saw an example of that recently with the Mine Road extension; Mine Road going to four lanes in the Austin Ridge/Hampton Oaks area. 2.4 million dollars the developer paid, it is now the nicest stretch of road in the County and connects to neighborhoods and the pedestrian component to it and looks great. And you will see more of that occur. That has a rail. I did not put the railroad there, the railroad exists there and that makes sense to leverage that railroad. Now five years from now there may be nothing that happens there. It could be that VRE says you know what we are not putting a stop there. We thought we could, maybe we should, we don't know but it doesn't happen and that would be one of those issues that we come back in and say you know what, that one did not make sense. Nothing's happened.

Ms. Kirkman: Well except for Garrett's been floating the plan for years now.

Mr. Howard: I don't know (inaudible) the property. Okay. Good healthy discussion among us. Alright, so we were in Eskimo Hill?

Mr. Zuraf: Eskimo Hill, we have 879 dwelling units of which would be 319 condos, one hundred and sixty townhomes and 400 singles.

Mr. Howard: Sixty townhomes and 400 single family. Okay, Centreport.

Mr. Zuraf: Centreport is similar to George Washington Village and Stafford Station with 3,250 units, 750 multi-family, 300 townhomes and 2,200 single-family.

Mr. Howard: And then the last one I think is Leeland, right?

Mr. Zuraf: Yes. Leeland Station is 750 units, all condominiums.

Mr. Howard: Alright, so I am sensing there is not an appetite to change any of the dwelling units. Some wanted more information than others.

Mr. Fields: (Inaudible - microphone not turned on).

Mr. Howard: Alright.

Mr. Fields: I don't propose changes to UDAs but...

Mr. Howard: We can go to that now Mr....

Mr. Fields: If you want or you want to look at some other aspects of it.

Mr. Howard: No, we can do that. We went through each UDA...

Mr. Fields: Well, some of these refer to other issues. I don't know that we want to cover all the questions and all the issue... changes first.

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Mr. Howard: You have to find your document.

Mr. Fields: Hopefully everybody has this. If you want to take a look at it now, it says proposed changes to September 10, 2010 Comprehensive Plan version from Harry Crisp, George Washington Supervisors and Peter Fields, George Washington Planning Commissioner. The reason it is both of us, it represents a consensus, it represents a lot of work that Mr. Crisp did, work that I added and we talked about collectively as a result of Town Halls conversations etcetera, etcetera. We to the best of our ability feel this approach represents what is the consensus of the way the citizens of the George Washington District feel about the Comprehensive Plan as a whole. Thankfully we are not impacted by the UDAs, down in our beautiful little corner of the county, and so we do have some concerns overall for the quality of life for the whole county. There are seven basic points; I feel they are all valid motions. I don't know... I have no idea what the level of support for those are. I don't want to take up a lot of time. I did want to make them separate motions because some people may agree with some of them, or be more inclined to want to do something different then just try to say take it or leave this a whole piece, because it obviously covers seven very different... seven different topics that people might feel different about.

Mr. Howard: I am okay with that I just need to find your document here.

Mr. Fields: Okay.

Mr. Howard: I know it was here before.

Mr. Fields: I don't have a second copy. I don't know what happened to my second page. (Inaudible). Oh, I am sorry; these are front and back. Never mind. Front and... printing on front and back of the paper.

Mr. Howard: Saving money.

Mr. Fields: How cool is that? There is a list of bulleted points that is there primarily to explain...

Mr. Hirons: Mr. Chairman?

Mr. Fields: ...the ideas.

Mr. Hirons: One point of order.

Mr. Howard: Yes, Mr. Hirons?

Mr. Hirons: Does staff have a copy of it? I can hear from the audience someone is asking if it could be put up on the screen.

Mr. Fields: Yes, I really... you know, I wish I could have had this... this has been... there have been so many changes. This is the latest iteration that we have come up with.

Mr. Howard: I would suggest also as a point of order, Mr. Fields, that you make your motion. It looks like you want to make seven motions.

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Mr. Fields: That's correct.

Mr. Howard: And then....

Mr. Fields: I just wanted to set the context of it.

Mr. Howard: Yes...

Mr. Fields: I don't want to take a lot of time, I just want to get... Mr. Crisp has asked me to and we agreed that he would like to see these...

Mr. Howard: Sure.

Mr. Fields: Before we get to the point where we are really finalizing the Comp Plan, these considered. Number one is to set a goal of an average two percent residential growth per year over the next twenty years. Make this the fundamental vision of the comp plan. This works...this has been done in many locations. Spotsylvania does it, it is a concept of simply setting... articulating in the Comp Plan what is a sustainable growth rate. You can... you know plus or minus a few percentage points most people would argue that if you had to you could absorb two percent growth, it is actually a little high, but you could absorb it without some of the negative side effects we have seen that have happened in Stafford with five and six percent annual rates of growth. So my motion would be to establish as one of the goals of the comprehensive plan an average residential growth rate of two percent. No greater than two percent per year over the next twenty years.

Ms. Kirkman: Second.

Mr. Howard: Okay, is there any discussion?

Mr. Rhodes: Yes Mr. Chairman.

Mr. Howard: Yes?

Mr. Rhodes: What is the percentage of residential growth rate represented in what we have before us in the draft plan? Does anyone know that?

Mr. Fields: I think Mr... in number 1, in bullet A, Mr. Crisp in his very thorough engineer way has said if you did two percent a year over twenty years you would grow approximately 50,000 requiring approximately 17,930 new residential units. You know whether that is... again without... we know that without public facilities ordinances you cannot control the rate of growth of vested property. But articulating as an overall plan of the Comprehensive Plan, I believe, gives you even more... gives you a lot of leverage particularly when you are talking about rezoning new properties particularly in the UDAs to set absorption rates as proffers... as conditions of the rezoning. Like we do... there are some of the more... the newer subdivisions, it set how many units you can build per year as an attempt to try to keep the rate of growth under control.

Mr. Rhodes: But do we have an idea of what the current plan as it stands, the draft in front of us, what it represents in residential unit growth?

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Mr. Zuraf: No, we do not have that...

Mr. Fields: Not sure.

Mr. Zuraf: ...specific figure.

Mr. Rhodes: I don't know what two percent means then.

Ms. Kirkman: Mr. Chair?

Mr. Zuraf: It would get...

Ms. Kirkman: I am sure you would want staff to verify this, but I think it comes out to somewhere between six, six and a half percent a year in the current draft.

Mr. Fields: Historically, that is what we have grown at a pace about like, four to six percent per year. With what... if you want something to get your head around, what two percent means, the type of growth we have had in Stafford from say 1990 through 2000, 2005 would have been somewhere in the neighborhood of five percent a year, give or take. So this is a little less than half that rate of growth.

Mr. Hirons: And how would we control that down to two percent?

Mr. Fields: I think again it's a guideline. I will be the first to recommend... I have often articulated, you know, that without adequate public facilities ordinance, which are ordinances that allow you to actually define how many building permits are issued in a year... something that Virginia does not allow under any circumstances for any locality... only then can you actually say exactly two percent. When you have vested property like we do, it could be very difficult if you have a boom on housing. You may have to try to... you may be left like we were a lot of times. Just watching it go by. I think as we are contemplating with these UDAs the potential for some significant rezoning with a new concept of how things work, then being able to proffer the rate of growth taking into account what is already vested what the market conditions are you can certainly with new projects ask them to proffer a certain rate of build-out and that would be your best tool in the short term. Once your vested units are close to build-out then you can control the rate of growth by simply how much you rezone or don't rezone. So in the near term we would have... it would be a harder target to achieve as the end of twenty years and the inventory of vested... already existing vested units under the current zoning map go, the farther you go down the better your ability to control that comes.

Mr. Hirons: That becomes my problem. It seems to me as trying to achieve a goal like this, which has been unrealistic over the last several years apparently. We are going to have to employ some severe market manipulation mechanisms to say "no you can't grow any further". Growth, in my opinion, should be driven by the market.

Ms. Kirkman: Mr. Smith, if we had some sort of guidance like this in the Comprehensive Plan, would that give us more of a basis to request proffers around the build-out rate when there is a rezoning application?

Mr. Smith: I think I would have to think about that some more and look into it to give you a good answer. But I did want to add, if I may, just some information for the Commission's consideration.

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There is a provision in the State Code that may or may not affect your consideration of this issue. And that is the Urban Development Areas must be sufficient to meet the projected residential growth in the locality for at least, but not more than, twenty years and the projected residential growth must be based on official estimates of the Weldon Cooper Center Official Projections of the Virginia Employment Commission or the United States Census Bureau.

Mr. Howard: Right, so we are sort of handicapped because I think when you look back at the last ten years when the census finally comes in some of the growth in some of our magisterial districts has been tremendous. I mean it's... in terms of population growth, it has been unbelievable.

Mr. Fields: Well, that is precisely the point here is to address the rate of growth is an issue that needs to be looked at, addressed and maintained as a vision.

Mr. Rhodes: Mr. Chairman?

Mr. Howard: Yes Mr. Rhodes.

Mr. Rhodes: If I could ask staff and to remind... what is the projected growth based on those statistics, the cited sources?

Mr. Zuraf: Well, the twenty years is listed in here under 1A; it's 29,737.

Mr. Rhodes: That is at the... that is what it is currently?

Mr. Howard: No, the projected growth.

Mr. Zuraf: That is the ten year...

Mr. Rhodes: The Weldon whatever...

Mr. Zuraf: It is through the Virginia Employment Commission.

Mr. Rhodes: So what is that number?

Mr. Zuraf: Twenty nine thousand seven hundred thirty-seven.

Mr. Rhodes: So this would be setting something that is almost half of that.

Ms. Kirkman: Could you clarify, is that the ten or the twenty year projection?

Mr. Zuraf: That is the twenty year projection.

Ms. Kirkman: Because the UDAs are based on a ten year projection.

Mr. Zuraf: Yes, the UDAs are based on a ten year which is 14,661.

Mr. Rhodes: Okay, but this is a proposal that in twenty years would allow for 17,930; so that is about sixty percent of what we are by...

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Mr. Howard: By law right now.

Mr. Rhodes: By law supposed to absorb... well, plan for rather.

Mr. Zuraf: Well, by law it is a range and I guess through this process it has been identified that the desire of what has been provided and been reflected here is that they want to go with the lower range of the ten year. At least comply what the law says at the ten year level and not the twenty year.

Mr. Rhodes: Okay, according to A, is that a number that you are projecting out at twenty years, 17,930?

Mr. Fields: I believe that is correct.

Mr. Rhodes: So that is twenty years, but you are saying...

Mr. Fields: (inaudible) is twenty.

Mr. Rhodes: ...the projection is added it will be more like twenty... based on what we are supposed to do by law is to plan for a potential growth of 29,700. So this would do sixty percent of it. Is that what I am hearing?

Mr. Howard: That is correct I believe.

Mr. Fields: You can grow through land use; you can grow as fast or as slow as you want if you don't have vested units. In the decade 1990 to 2000 where Stafford grew fifty one percent, Fauquier grew twelve percent.

Mr. Rhodes: And what is the...

Mr. Fields: Why is that? Because there is less... there is only a... I don't think it is only because there is a fractional demand for housing in Fauquier, they just have a far more... done a better job with land use.

Mr. Rhodes: So the other two questions, Mr. Zuraf, would be, just to remind... what are the number of vested units?

Mr. Zuraf: That I think also was identified in here, if this is correct, 75,525.

Mr. Rhodes: Okay, and then the by-right?

Mr. Zuraf: The by-right as far as through... by-right through build-out? Our build-out table identifies everything so the 7,000 would be part of that.

Mr. Rhodes: Okay.

Mr. Zuraf: That would be by-right under the draft plan... well, this is a land use build-out and, sorry.

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Mr. Howard: While Mr. Zuraf is looking that up Mr. Smith, I am going to ask you to read the UDA language again after he has completed for clarification for my perspective.

Mr. Zuraf: By-right future units, 31,758.

Mr. Rhodes: So we would have to restrict that by half to meet this, to meet the 17,930 goal.

Mr. Zuraf: Not quite half but yes.

Mr. Rhodes: Okay.

Mr. Howard: Close, so can you just review again what you read... if you want to read it again that would be great.

Mr. Smith: Yes Mr. Chairman. It states the Urban Development Areas designated by a locality shall be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least ten but not more than twenty years, which may include phasing of development within the Urban Development Areas. There is a sentence that does not apply to Stafford County. Future residential and commercial growth shall be based on official estimates of the Weldon Cooper Center for public service for the University of Virginia or official projections of the Virginia Employment Commission or the United States Bureau of the Census.

Mr. Howard: Okay, so in your legal opinion and I know this is just being challenged today and if you need more time to answer it I understand that. Would this even be enforceable if it were in the comp plan? If this was one of the guiding principles in the Comp Plan, could we even enforce a two percent cap/ceiling?

Mr. Smith: I don't know whether it... well, I guess there may be a couple questions in there. Whether it would conflict with the State Code mandate, I guess is one of the questions and as long as it did not conflict with how the... with the information that is used to calculate how much residential growth the UDAs are planned for then I don't think that would be a problem. Whether it is enforceable, the Comp Plan is a guide.

Mr. Howard: Absolutely.

Mr. Smith: It is not a requirement. Like anything else in the Comp Plan, it can form basis for guiding the future development in considering rezoning and other land use actions.

Mr. Howard: Okay. Alright, good discussion. Any other comments because there is a motion on the table. Yes, Ms. Kirkman?

Ms. Kirkman: Yes Mr. Chair, I don't see anything contradictory in having to meet the State UDA requirements and setting a target growth rate of two percent per year particularly given that the legislation apparently allows phasing. So while we are required to designate areas in the Comprehensive Plan, we are certainly not required to build them. And so...

Mr. Howard: That is true.

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Ms. Kirkman: So I don't see anything contradictory in having both the UDAs that meet the State requirements and a target growth rate of two percent residential per year.

Mr. Howard: Any other comments? Mrs. Hazard.

Mrs. Hazard: I guess on bullet point three of 1, that saying that the two percent growth rate would greatly reduce the projected infrastructure and public facilities, gives me some heartburn in terms of our discussion in saying that we have actually grown at four to five percent. If we start changing our assumptions for levels of service based on a two percent figure and we grow at four or five I would have some concerns. I am not saying, I am just... it may be that I am reading it backwards, but I...

Mr. Fields: The idea, yeah, the idea is that you... if you are setting a goal, there... I will repeat at first maybe I wasn't clear. The more... at the first... if you are looking at an average over twenty years, particularly at the first phase of it, if there is ever actually a demand for housing again, which is... part of this is moot because we are never going to have a demand like we had before. That is never going to exist because it was based on you know factors that are hardly replicable economically. But the... but if there's a demand and housing starts to surge particularly with BRAC and things like that, the expansion of the Federal Government and all these things. You know, when you have vested zoning, if people are coming out to build... build-out zoning that has already been granted years ago obviously you can't restrict the number of building permits per year on those things. But over a twenty year period the inventory of those type of properties in Stafford will reduce greatly and you will be left... people will be coming in to rezone properties to build new homes and when you have the point of rezoning you do have a significant amount of leverage to proffer the rate and type of project, just like we are articulating in the UDAs with infrastructure investments, etcetera, etcetera. So when you are saying two percent... reduce the projected... if we could achieve two percent we would be... you would achieve a significant savings in infrastructure and public facilities. Obviously, if you need more you have to build more, but if you plan to have five percent growth you are very likely going to have it, it is one of those things. If you articulate that as a goal that sets a framework for a very modest and careful sustainable approach to approving new rezonings, which I think we are all in agreement on, fundamentally.

Mr. Howard: Yes, I think there is some fundamental agreement. I am struggling with putting the two percent out there and I... you go back to I will say 2005 in Stafford County where the schools added an automatic five point five percent student enrollment increase year after year. And we got into a little bit of trouble because that was not always the case. That was a guideline they used internally when they did their projections and planned for additional schools and we ended up with schools that are a little bit lop sided. I mean eventually we will grow into them and there are some schools that are lop sided because some schools we have too many kids in and some schools we don't have enough kids in. I think that will happen... that could have happened anyway, but I know internally there was a number that was used for a growth rate that turned out not to be true. And I always get nervous when you are going to plan on a particular percentage versus I think Mr. Hiron said it best, the market is going to dictate the growth rate, and...

Mr. Fields: Well Spotsylvania has had...

Mr. Howard: ...that's typical.

Mr. Fields: ...two percent in their Comp Plan for many years.

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Mr. Howard: I don't know what they grow out there, I am not sure...

Mr. Fields: You know, again it is a goal.

Mr. Howard: ...two or four.

Mr. Fields: Do they achieve it, I don't know. If you don't have adequate public facilities you cannot manipulate that as tightly as to say we are not going to do more than two percent. But if you have it as a goal, as one of many guiding principles for how robust you allow the rezoning of new property.

Mr. Howard: I am also on the same page that Mrs. Hazard is that the infrastructure today is not necessarily supporting what we have and to think that a two percent growth rate would reduce... you know, a projected infrastructure upgrades and needs. I am not sure that is factual either. I don't think that is true, but I don't have a study to back it up. I just know that we... currently we are not at the right infrastructure requirements today in the County.

Mr. Fields: Alright, well we have a lot of things here. I don't want to drag this out too long.

Mr. Howard: Alright. With no other discussion I will call for the vote. All those in favor of Mr. Field's motion signify by saying aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Okay, opposed say nay?

Mr. Rhodes: Nay.

Mrs. Hazard: Nay.

Mr. Mitchell: Nay.

Mr. Hirons: Nay.

Mr. Howard: Nay. I think it was 5-2. If more than 2 voted...

Ms. Kirkman: 2 to 5.

Mr. Howard: 2 to 5, thank you. The motion does not carry.

Mr. Fields: Number two is reduce the number of UDAs from eight to no more than six. Focus these around employment centers. We sort of had a great deal of the dialogue about this. Obviously you know we would have to go back to the drawing board, but I feel like I just have to put that out there. I don't... I have been vocal about not supporting all of the eight UDAs and certainly for starters though I would like even less than six and no more than six, you can certainly start by taking the Widewater and Brooke UDAs out of... because they are outside of the growth area. They are not based around... they

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are not appropriate areas for infill or any of that sort of thing. So my motion is to reduce the number of UDAs from eight to no more than six.

Ms. Kirkman: I will second that with a suggestion of a friendly amendment to specifically remove Widewater and Brooke UDAs.

Mr. Fields: I will accept that.

Mr. Howard: So the motion is to reduce...

Mr. Fields: Reduce UDAs from eight to no more than six, eliminating the Widewater and Brooke UDAs.

Mr. Howard: Okay, discussion? Mr. Fields you can start since you made the motion.

Mr. Fields: Oh well I think... you know we've had... we have been having this discussion here. Rail... I understand the temptation of rail. My position... my personal feelings about rail has modified over the years over the VRE. When I first got on the Board in 2000 I was really... thought this was a good way and a good alternative. The reality is long distance heavy rail commuting is just rail sprawl it is not automobile sprawl, the idea is if rail is really going to be an asset to us and it would not be generating the demand for new housing projects along the rail lines. Both of these projects are way outside or outside the Urban Services Area they are not in a logical urbanized place. The VRE would only really be an asset to those places if almost everybody that lived there used the VRE, which is not necessary...there is no requirement that that would be true and would only be a real plus to the county if people moved there and other people did not move into the houses that they moved out of even if they did take the rail. So I don't believe that, I don't believe that for a number of reasons those are appropriate UDAs. I think again, I would still fight for... fight for... go back and talk to the Marine Corp some more about Boswells Corner, but certainly 610, the Courthouse, Route 17 and the Southern Gateway, those are more appropriate places for the UDAs.

Mr. Howard: Ms. Kirkman, you have the second part of that discussion because you seconded the motion.

Ms. Kirkman: I supported the motion for several reasons. The first is scattering these little UDAs throughout the county does create nothing but sprawl. It does not... these are not designed to support the type of commercial development there are simply not enough roof tops. Brooke is a particularly absurd example of putting 1.5 million square feet of commercial next to seven hundred and fifty condos and townhomes in the middle of an agricultural area. Second these... there are many, many difficulties with the VRE Express system. You can pick up the paper any day of the week and... or not any day, but just about every day and read about some delay or other because those are freight lines. They weren't designed as commuter rail lines. They are located in some lowest flood prone areas of the corridor up to D. C. so anytime there is bad weather there is often significant delays. If there is heavy freight traffic there is often significant delays. There is a limited capacity to store rail cars at both ends. So we need light rail we need it in a different location than flood plains. Finally I want to say I support UDAs and I think we've got some good areas in the County for them along 610 and around our employment centers, such as here in the Courthouse area where we have a growing medical... health care based economy as well as government services. So I think there is simply just better areas in the County for UDAs than Widewater and Brooke.

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Mr. Howard: Thank you. Any other discussion?

Mr. Rhodes: Yes, Mr. Chairman.

Mr. Howard: Yes, Mr. Rhodes?

Mr. Rhodes: Just to clarify, it's Stafford Station UDA is what it's referred to as which is in the Widewater area, for the motion. Quite frankly I have reservations about the Stafford Station one that is way out there in Widewater and the infrastructure that would be required. But as long as we are smart and we are focusing on the fact that all the infrastructure would have to be built as part of the development ties to that, which I don't see ever happening, I don't see anybody ever approving it quite frankly. I just am less concerned about that maintaining on there. Thank you Mr. Chairman.

Mr. Howard: Thank you Mr. Rhodes.

Mr. Fields: I would make one final caveat, I have made it before but I... in 1999 the County was considering the Celebrate Virginia North rezoning and the basic plan as it was sold to the County then was four and a half million square feet of office space, a handful of large, very large expensive executive homes, three golf courses and then some supporting commercial. And so that is what the County envisioned and so they created a recreational business campus zoning to permit all of those uses. The cautionary tale is creating something that isn't going to be built but does create a higher intensity of development than what exist there now by creating... hat of course was a zoning category but even by articulating in the Comp Plan. You may, yes the UDA... is somebody going to come in and build a rail station in the Widewater park and all that kind of stuff, it is very, very unlikely. I agree the cost is just... there would be no return on the investment with that number of housing units. That is why Andy Garrett has always been proposing six to twelve thousand housing units to support that kind of infrastructure costs. But at the end of the day before and to this day that was eleven years ago. Celebrate Virginia North has not one square inch of office space. It has 1,400 retirement homes planned. A lot of franchised strip shopping centers on 17 and one golf course. Once they opened the door... once the camel's nose is under the tent with changing agricultural land to higher intensity uses, then other alternatives become possible. My concern is not is the Widewater... is the Stafford Station UDA as proposed going to get built, highly unlikely. But once we say it is an appropriate area for higher intensity development than it currently is, we have opened the door for something less desirable. Celebrate Virginia North being a prime example of how that happens in the real world.

Mr. Howard: Thank you. I am a proponent of the rail and I understand the problems VRE has and those are real issues. There is a plan at some point, I don't know when it will occur, for a third rail to come through and VRE would be paying for that and making that happen. You know, having grown up in a very urban area myself, and watching my parents travel to New York City and back home without the rail, it improves the quality of life for those people who have to travel. So recognizing UDAs are also being created to have the job closer to home is even a better concept and maybe people leveraging the rail to come to Stafford to work would be an interesting dynamic to occur as well. I agree though, I think it is highly unlikely that the Widewater UDA also known as Stafford Station ever gets off the ground. Just because I am not sure with what we are requiring in the comp plan for any developer that wants to go out there and do that there is going to be a significant investment in infrastructure because that is something the county just does not have the money to... we don't have the money to do that, so we can't do that and we won't. I appreciate your perspective Mr. Fields and I

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am not going to support it. I understand why you are and I also understand Ms. Kirkman's point about the other UDA as well, Brooke Station. But again I am a strong proponent of leveraging the rail. Any other...

Mr. Fields: I'm done.

Mr. Howard: Okay. We will call for the vote. All those in favor of Mr. Fields' motion, which is reducing the number of UDAs from eight to six with the other detail as described, signify by saying aye

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Opposed say nay?

Mr. Rhodes: Nay.

Mrs. Hazard: Nay.

Mr. Mitchell: Nay.

Mr. Hirons: Nay.

Mr. Howard: Nay. Motion does not carry 2 to 5.

Mr. Fields: Alright. Number three is enlarge the corridor of the Courthouse and Southern Gateway UDAs. Again based on our previous conversation I think these could, as you can see in the bulleted notes they could support a significantly larger population... particularly residential population that would allow us to again leverage a great... better use of proximity of employment centers and residential centers. So while there is a number of bulleted points the motion is really simply to enlarge the corridor area of the Courthouse and Southern Gateway UDAs to accommodate more residential... potential residential and commercial development, specifically residential.

Mr. Howard: Is there a second?

Ms. Kirkman: Second.

Mr. Howard: Okay, discussion?

Mr. Fields: I kind of... I am sorry, my motion sort of said my discussion. So I will yield on my discussion. Thank you.

Mr. Howard: Alright.

Ms. Kirkman: And I made the point before, I think the Courthouse area is a great location for a UDA and that's where we ought to be putting the residential units. Not out in green space.

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Mr. Howard: Do we have a map available for that UDA? That we can pull up on the computer? What maps do we have?

Mr. Fields: We have the one in here for the Courthouse.

Mr. Howard: Yes, but that doesn't help.

Mr. Fields: It kind of... because it focuses on the tight one. There is more... really more land available than what this is just around the Courthouse specifically.

Mr. Howard: I think it would be good just to show that visual if we can. I don't know that we can.

Mr. Fields: Look at all those files, holy cow. I will say that bullet point C says increasing the total acreage in these UDAs, which they are both RDAs so they both had a fair amount of design work and doing on them. Increasing the total acreage of the corridor areas in these UDAs, Southern Gateway and Courthouse, to 1,730 acres and the overall density to six dwelling unit acres would provide 10,380 new dwelling units versus 14,661 required to satisfy that should be ten year growth requirement. It should still leave 1,438 acres for commercial development, roads, public facilities, parks and civic spaces. So, in other words, we could get to 10.3 out of 14.6 thousand of the dwelling units in these two UDAs alone, with an expansion to the corridor area of 1,730, which is my understanding is possible if you think of these in terms of what the redevelopment areas that have been proposed.

Mr. Rhodes: That would be putting a hundred thousand car... vehicle trips per day in those two areas.

Mr. Fields: Well, I would submit that since we are talking about possibilities and leveraging possibilities of transportation, that creating live work opportunities creates a very different transportation dynamic. At six dwelling units per acre or greater and people co-located around employment centers which again could be part of the proffer structure that you set in motion for any rezoning is the convergence of employment and residential units. You could actually create enough density... see the four dwelling units per acre is really not dense enough to ever support transit to any real degree. This could create a density that is...could support both pedestrian and bicycle transit opportunities. Plus focused around unemployment, people would... it is more likely and more doable with this type of zoning that you could get people from the seven to ten trips per day. I certainly would not want to see all these people if it was conventional suburban zoning with strip centers way out on the highway, but I don't think that is what... form based code and new urbanism and all of that I think that we are talking that any of these UDAs are going to be a new type... a better type of land use.

Ms. Kirkman: And Mr. Chair I would add that the trip generation figure of ten trips per day is for single-family homes and I believe it is different for different types of dwelling units.

Mr. Howard: Right, but it... there's no... you are right, absolutely right. Actually because you are also going to have the pedestrian shed here as well as part of this UDA. But it will absolutely increase, it may not be the hundred thousand Mr. Rhodes mentioned, but it will be some number close, maybe seventy thousand.

Ms. Kirkman: Well...

Mr. Fields: You don't really know because it all depends on land use.

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Mr. Howard: That is fair.

Ms. Kirkman: And not only that if we have said all along when the key driving concepts of the UDAs is that the development will pay for the core infrastructure itself. There is absolutely no reason why you could not structure that here. In fact, I think economically you get some economies with the size that you don't get with 750 multi-family dwellings out in an agricultural area.

Mr. Fields: If you look at some of the... if you look at things like, you know, Northern... I hate to use Northern Virginia examples, but if you look at the bigger Northern Virginia examples, even something as massive as Reston, and you start to see how the scale impacts the ability to create these new urbanism concepts. This has always been the problem in new urbanism, it is generally recognized to create an area that truly functions as a community you need six to seven thousand dwelling units for it to have the convergence and the concentration of people and if it is oriented around job, to make this actually become its own little village. Not advocating giant... I am not trying to be dense, I am saying again as part of the proffer guidelines, just like you wouldn't build Stafford Station unless you built the rail station and the parkway to it. I would say the same logic applies that you wouldn't permit these higher density UDAs around the Courthouse or Southern Gateway unless you had the same proffer structure of infrastructure and employment convergence so that you wouldn't have the trips out on the highway. Same principle; you structure the proffer guidelines and your zoning guidelines to prohibit the worst case scenario. IF you can do it in one place, you certainly can do in in the other.

Mr. Howard: Any other comment from...

Mr. Hirons: I just say...

MR. Howard: Mr. Hirons?

Mr. Hirons: There might be some merit to some of this it would have been nice if this discussion had been interjected way back as we started the UDA discussion, not at the end of the game now. There has been enough discussion, enough research and enough development with these plans that we are heading down a path and there appears to be enough support for completing that path. Had this been discussed early on, much earlier in the process there might have been more support and more merit to it.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: Essentially what is being presented here is something very similar. It was presented. It was called the 2008 draft of the Comprehensive Plan which had three large Urban Development Areas.

Mr. Howard: Right.

Mr. Rhodes: Which is the only right answer, of course.

Mr. Howard: I appreciate how we keep coming back to that but I guess Mr. Hirons and I... I share that thought by the way Mr. Hirons, that we had... you know, there has been ample time for this group to

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talk about this plan and I think there is some merit to it. I think Mr. Hirons is right and I do think we are pretty far down a path where you know five years from now if the Stafford Station UDA doesn't materialize and it doesn't seem like anyone is willing to do anything out that way. Clearly could be a UDA that in five years from now does get changed. And that is the benefit of having to come back to the comp plan every five years, is to really understand what was the plan, did it work out, did the build-out occur as planned or not and you come back and you change the plan. So I think there are some good points. I am not sure they are... because we would have to end up redoing every UDA and recalculating and kind of reconfiguring. And I don't know since we are required to go to public hearing in sixty days, I am not sure we can meet that objective. But Mr. Fields there is some good content in there and I appreciate you doing that. I just go back to Mr. Hirons; I wish that it was something that we had brought out three months ago. I know we had the 08 plan, I get that.

Ms. Kirkman: Well, there's two things. First off I think it's really... not perhaps intentionally so but somewhat disingenuous to say that the Widewater UDA won't get built because of the infrastructure cost. Mr. Garrett will find a way and I imagine it involves something called tax increment financing, where you finance bonds by using the tax revenue generated by the UDA to pay the debt service on the bonds. So it won't be surprising within the near future if the Board doesn't start introducing legislation for that mechanism. So I think it's really... we should not be continually repeating that Widewater won't get built. It will get built if it's on the comprehensive plan. Secondly, I guess I would like to hear some... since it was stated we are required to do this in sixty days I... you know upon seeing the Board's resolution...

Mr. Howard: Ms. Kirkman, we have a motion on the table that we are discussing. We have to stick to that motion.

Ms. Kirkman: Well, part of the debate was about whether or not there was a... a point that was raised during the debate was oh it's too late because we have to...

Mr. Howard: That is my opinion. I gave my opinion, so if you want to challenge my opinion, by all means go right ahead.

Ms. Kirkman: Well, I just want to find out from the attorney in fact...

Mr. Howard: Mr. Attorney, can you tell me what I am thinking?

Mr. Smith: Well, if the Planning Commission does not hold a public hearing and recommend amendments to the Board for their consideration, the Board can proceed with their consideration and hold a public hearing.

Ms. Kirkman: And could you get me the particular cite for that from the State Statute? I was looking for something like that and that would be helpful to have.

Mr. Smith: Yes, it is 15.2-2229.

Mr. Howard: And don't... go ahead.

Ms. Smith: If you want, I can read the specific...

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Ms. Kirkman: No, I've got a copy of the Statue, I can look it up.

Mr. Howard: And going back to your comment about... I actually hope that Widewater and Stafford Station is built. I think that it's a great area and I go back to I think leveraging the railroad in Stafford County is long overdue. I don't think we will ever be big enough to have it on a metro stop, but I am not sure that leveraging the VRE in supporting the VRE with ridership is a bad thing. I am not sure what else they can do to 95 except making it two levels, which I don't see happening in the future. So that is what we have to do. We have got to be thinking about other alternatives and I think it is a great alternative, leveraging the rail.

Mr. Fields: Just in the interest of things the motion is about Courthouse and Southern Gateway.

Mr. Howard: Exactly.

Mr. Fields: I have said everything I've got to say, so we can vote.

Mr. Howard: So the motion is to enlarge the Courthouse and Southern Gateway UDAs.

Mr. Fields: Right.

Mr. Howard: And it was seconded by Ms. Kirkman.

Mr. Fields: Yep.

Mr. Howard: I'll call for the vote. All those in favor of Mr. Fields' motion signify by saying aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Okay, opposed say nay?

Mr. Rhodes: Nay.

Mrs. Hazard: Nay.

Mr. Mitchell: Nay.

Mr. Hirons: Nay.

Mr. Howard: Nay. The motion does not carry 2 to 5.

Mr. Fields: Alright. Number four is re-establish the USA boundaries to May 2009 version of the Comp Plan. You know this was actually a fairly a consensus version of the whole Board at the time. And I will be particularly... it retains significant portions on the limitations on the extensions of the USA. Meaning it really limited the extensions of the Urban Services Area into agriculturally zoned land, specifically in the George Washington District and the Griffis-Widewater District. And it extended the USA where commercial growth seemed desirable and foreseeable. I mean, you can

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tweak tiny portions of the boundaries. Mr. Crisp and I both feel a fairly high level of indignation that there has always been... we have our differences and that is fine and sometimes our differences are very passionate. There is always been a reasonable amount of collegiality or respect for peoples... the way people represent their districts. And Mr. Crisp and I have never wavered from our support nor have the majority of the citizens of the George Washington District to tightening up the Urban Services Area to the May 2009 version. The current version which is the default version of the old style in which this Comp Plan contemplates extends water and sewer out into an area that the residents of that area have clearly articulated they do not wish developed at that intensity. So I feel... you know, if people want water and sewer extended in agricultural zoned areas in their districts and they support it, it is not for me to say they are in touch with their citizens. I believe I can say with a fair degree of certainty that Mr. Crisp and I are in touch with the citizens of the George Washington District and I know that this is not something that we want. And I think a more compact Urban Services Area is one of the best tools for managing and keeping growth to it very... to a sustainable level.

Mr. Howard: So your motion is to...

Mr. Fields: Re-establish the USA boundaries to the May 2009 version of the Comp Plan. I am sorry, I made my discussion.

Mr. Howard: No, that's alright.

Mr. Fields: The motion is to re-establish the USA boundaries to the May 2009 version.

Ms. Kirkman: And I will second it.

Mr. Howard: Seconded by Ms. Kirkman. Okay.

Mr. Rhodes: What is the May 2009 version?

Mr. Howard: Mr. Zuraf, you know everything.

Mr. Zuraf: It is the red book. We have the red book.

Mr. Howard: Not the brown book, but the red book.

Mr. Zuraf: Yes.

Mr. Howard: With all those files in that computer it has got to be in there.

Mr. Zuraf: Yes, computer please.

Mr. Fields: I actually have five Comp Plans.

Several people talking (inaudible).

Mr. Howard: And can you create an overlay while we are watching?

Mr. Fields: Right, I bet you he can.

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Several people talking (inaudible).

Mr. Zuraf: That is the 2009 Urban Service Area.

Mr. Howard: And the 2010... well, do we have it in the document?

Mr. Fields: In the 2009... both the 2008, the 2009 also had the ten year... 2019 phasing extension as well. These lines are 2009 but they don't... they are not exclusive to those lines, they anticipate expansions in the logical areas. They just don't anticipate expansions into the rural areas.

Mr. Howard: What are you...

Mr. Fields: This is the 2010 right?

Mr. Zuraf: Well, this is the 2010 plan, the 2009 Urban Service Area boundary is in pink.

Mr. Howard: And 10 is in black.

Mr. Zuraf: Yes.

Ms. Kirkman: Could you scroll down on the screen a little bit?

Mr. Zuraf: Sure, let me find the little hand.

Ms. Kirkman: The hand. Yes, that is good. So, what is that purple dot there over to the far right of the screen?

Mr. Fields: That is the Brooke UDA.

Mr. Zuraf: This is the Brooke UDA.

Ms. Kirkman: But that is not where our maps have portrayed it so far.

Mr. Fields: Really.

Ms. Kirkman: Because that is nowhere near the VRE station.

Mr. Zuraf: Yes... streets. Here is Courthouse and Andrew Chapel.

Mr. Howard: Yes, that is Brooke. Yes.

Ms. Kirkman: Okay, got it.

Ms. Zuraf: I guess without the streets it...

Mr. Fields: I know...

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Mr. Howard: Isn't there water and sewer out there today?

Ms. Kirkman: No.

Mr. Rhodes: I am sure it is a conspiracy.

Ms. Kirkman: No water and sewer.

Mr. Fields: The purple lines are where... 2009 I thought... you know Mr. Crisp feels the 2008 would be my preference. Mr. Crisp and I agree that the 2009 represented at that point a consensus of the Board of Supervisors and that seems like a reasonable...

Mr. Rhodes: Now what happened with the 2009? 2008 was voted down right?

Ms. Kirkman: It was amended to expand some areas.

Mr. Fields: It was amended to this basically. It was... 2008 was sort of transformed into this the 2009.

Mr. Zuraf: 2008 was sent to the Board and they made revisions to this version.

Mr. Fields: Again part of the logic here is that it had the phased in areas. We are not seeing the crosshatched phased areas. But particularly it... if you can look down here, this is to be completely parochial, this is the area that we have a big... a lot of grief with is that... we and I really do believe I am being very honest in saying the majority of the citizens out there do not want to see water and sewer expanded out to this area...out to that area in the southeast corner. They have been very adamant... we have been very adamant and articulate about that line, that purple line there supporting being the end of Urban Services out into White Oak. Not because if it's being extended there, it's not because citizens of George Washington want it there. I can't speak to any other district.

Mr. Howard: Okay, any further discussion on that?

Mr. Rhodes: So we want all the proposals to all this in the USA?

Mr. Fields: Proposal is to take the USA boundary to where you see in the magenta line right now. The current proposal, the 2010 proposal is the black line.

Mr. Howard: How many of the UDAs would be impacted? Obviously Brooke would be. Widewater.

Mr. Zuraf: I think George Washington Village.

Mr. Hirons: Centreport would be significantly, because why would... why would... I never understood why this little jutted in.

Mr. Howard: Me neither.

Mr. Hirons: Just south of...

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Mr. Fields: These are... and remember these... some of the spaces now like where you see those UDA were crosshatched into logical expansions areas... phased expansion areas.

Mr. Hirons: And during the discussion we got an opinion... I think Mike you or Jeff perhaps you provided some information about why the phased concept wasn't particularly a smart move. I can't recall, Holly, do you remember? It was during our...

Mrs. Hazard: I know that we had had comments that phasing was not something that...we received it in one of our memos in general from... I think it was that massive Planning Commission four page document. I believe it was in that one, but there was a concern from the legal staff concerning a phasing process.

Mr. Hirons: And so again there would be a severe amount of work that we would have to deal with. What do we do with the phased... the sections in here that were phased? Expand the USA around those as they were phased or do we just take them completely out? And why this would be left out of the USA is just mindboggling to me.

Ms. Kirkman: Mr. Chair you know part of what is hard about looking at the USA without understanding the projected land use is the reason why that area was carved out was because it is currently zoned agricultural and the concern was that if you put that agricultural land in the...inside the Urban Services Area it would then be developed by-right because now you have got water and sewer to it. And so that by carving it out and designating the potential area as sort of a commercial business mix that when a rezoning application came in to move it from agricultural to commercial or business at the same time you could do a Comprehensive Plan amendment or a compliance review 2232, or whatever it's called and at the same time extend water and sewer since you had a specific rezoning proposal for business and commercial use. And that way you could insure that if you extended water and sewer that would be for something that would generate a net positive gain for the County rather than extending water and sewer to residential which is a net loss for the County. That was the thinking about why it got carved out like that.

Mr. Rhodes: So this would have the same effect of the second proposal. Actually reduce it to five, right?

Mr. Howard: Yes, you would not have the...

Mr. Fields: You could still plan the UDAs with an expansion... with proposed expansion of water and sewer as part of the plan... as part of the phase. By the way phasing goes on all the time and phasing is how one... phasing of water and sewer is one of the key ways of for example Fauquier County has controlled it's growth, they phase it very tightly. It's completely doable under the Code of Virginia to articulate a very clear plan for phasing the extension of water and sewer. It is done all the time. The idea here is if it wasn't current... if it was currently zoned agricultural that way you have... that is why you have this little carve out down here at the bottom, which looks a little strange and people have been questioning that. But it's currently zoned agricultural then it wasn't included within the service area. If somebody wanted to use it, and we wanted to plan for it to be something other than that then we will plan a phased... you can plan a phased extension of it but you don't want to define... you don't want to extend water and sewer to agricultural land because you are giving... you guys have been talking about you know making sure the developers pay their own way, well that's giving the developer all the water and sewer without ever... without any concessions for it. And that's... just like

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trans... it's just like building somebody roads with county money. That's the same concept. There is no reason to give it away when it can be paid for by the developer instead of the rate payers of the utility system.

Mr. Howard: I don't think we are saying the developer wouldn't participate in funding some of it. I know we are identifying that this would be part of the Urban Service Area, but there is currently no water and sewer... that is why I asked the question about Brooke. There is currently no water and sewer going to that location today. So I am not sure by designating this is part of the Urban Service Area in the comp plan, I don't believe that we are saying that the county is automatically going to run those lines out there as soon as this thing is passed. It is going to be part of that process that you just discussed, a phased in process. The difference is it is identified on the map because the UDAs are in the USA and that was something we wanted to be consistent with. So that's why that map looks that way.

Ms. Kirkman: Well, you know Mr. Chair, unfortunately there is... there's a number of lawsuits that the County eventually settled out and maybe Mr. Harvey or Mr. Smith you can drag up some of the issues here. But... and they had to do exactly with whether or not something was within... if something was within the Urban Services Area whether or not the County had to allow water and sewer in that area for a project. And once you put it on the Comprehensive Plan map it is much harder to say not you can't have water and sewer particularly if the developer comes in and says I will pay for everything.

Mr. Fields: That is the problem.

Mr. Smith: I don't think I can give a general answer. There were a number of different cases that involved the USA and different land use approvals and I am not familiar with the exact circumstances for everyone, but whether or not a specific project was entitled to water and sewer depends on the circumstances of that project and its approval.

Mr. Howard: Thank you. Any further discussion? Thank you for doing that map by the way.

Mr. Fields: Thanks, that was pretty helpful.

Mr. Howard: Yes, that was very helpful. Okay.

Mr. Fields: I'm done.

Mr. Howard: Hearing no other discussion I will call for the vote. All those in favor of Mr. Fields' motion which is re-establish the USA boundaries to the May 2009 version signify by saying aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Opposed say nay?

Mr. Rhodes: Nay.

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Mrs. Hazard: Nay.

Mr. Mitchell: Nay.

Mr. Hirons: Nay.

Mr. Howard: Nay. I think it was 2 to 5. It did not carry; did not pass.

Mr. Fields: I will... tell you what, I will just make these five and six as comments. I think and Mr. Crisp felt very strongly about the Land Use Map be consistent with the May 2009 version. Since we are not headed anywhere near that direction, I am not even going to try to make that as an amendment. He also suggested the text is consistent with the Appendix B provided by the School Board with number of the type of new schools that we needed. In other words Appendix B states eight elementary schools, four middle schools and five countywide. The Comp Plan text only addresses the required number of new schools in the discussion of the individual UDAs. So that is something I think we need to look at, we need to be consistent with how many schools we need. I do want to make as a motion though the removal of the Widewater Parkway and the Berea Parkway from the list of the proposed new transportation elements.

Ms. Kirkman: I will second that.

Mr. Fields: We are not... it does not seem like we are removing the Stafford Station UDA, I still don't think that that would be... I still don't think that's a logical plan. However, specifically I don't believe that the Berea Parkway toll road is necessary. It has been on the books for years as the outer connector and many different ways. It is essentially four lane roads that move that far out into currently undeveloped areas no matter how hard you try are inevitably backbones for sprawl and that's the part of the problem. Also the transportation modeling showed from the Transportation Committee, we discussed that last transportation meeting. It does show... and Mike and I weren't absolutely sure on whether we had modeled the Berea Parkway or not. I thought we had, Mike was not sure. However the modeling that you did receive in addition today does show that there is a very robust and workable plan without the Berea Parkway for improving Levels of Service throughout that part of the County.

Mr. Rhodes: Now even our modeling did show that Widewater Road enhancement, but it was reconstructed to two lanes. I think regardless this is informative as other approaches and other options and should be something that stays visible. Again I could not recall that we had actually modeled the Berea Parkway. I remember that we had talked about it as you just mentioned that it has been on the plan for a long time, nothing has ever happened towards it. Let's look at other alternatives and we started looking at what we called the "S" road. Which gave a north/south connection further west so people weren't going down 610 having to use the Route 1 or 95 and come back, and as it modeled it pulled a lot of traffic off the other thing so I...

Mr. Fields: Along with Truslow Road improvements.

Mr. Rhodes: Yes, along with the Truslow Road improvement. So I think at minimum we should just keep this visible as we are looking at long range planning because it does...it is an approach to relieving some of the congestion and forcing all the traffic to come to come into that central corridor.

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Mr. Howard: Any further discussion? Okay, all those in favor of Mr. Fields motion which is removing the Berea Parkway...

Mr. Fields: The Widewater Parkway.

Mr. Howard: I am sorry, the Widewater...

Mr. Fields: Both.

Mr. Howard: Oh, both parkways. Okay, Widewater Parkway and the Berea Parkway from the list of proposed new transportation elements signify by saying aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Howard: Opposed say nay?

Mr. Rhodes: Nay.

Mrs. Hazard: Nay.

Mr. Mitchell: Nay.

Mr. Hirons: Nay.

Mr. Howard: Nay. The motion does not carry 2 to 5.

Mr. Fields: I appreciate all my fellow Commissioners' thought and effort on this. I have to do what the people that put me here want me to do.

Mr. Howard: Absolutely.

Mr. Hirons: Mr. Fields, I do want to say thank you for putting the effort into it.

Mr. Howard: Yes.

Mr. Hirons: And presenting that to us. Thank you.

Mr. Fields: You are welcome.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman?

Ms. Kirkman: Either now or at whatever point you believe is appropriate I would like to go back to the discussion of what we are or aren't required to do in terms of a hearing and the consequences of that. So at whatever point you think is appropriate.

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Mr. Howard: You are referring to the sixty day time frame that we received today?

Ms. Kirkman: Yes and Mr. Smith's citation of Section 15.2-2229.

Mr. Howard: Okay, we can come back to that. Thank you. Mr. Zuraf was there... were there any other explanations that we didn't go through that...

Mr. Zuraf: Well, we have...

Mr. Howard: We have to go back to that list; we only really did number three.

Mr. Zuraf: Right and I from what I guess we were hearing there were... there was... at this point there was no proposal to change any of the mix...

Mr. Howard: Correct.

Mr. Zuraf: ...of units, then it is correct down there so I guess we might as well go through starting back at number 1.

Mr. Howard: Okay.

Mr. Zuraf: A suggestion there. The Board had number 1 in the Brooke Station Urban Development Area text clarify that all of the residential development associated with that UDA shall be tied to the retiring of development rights on land generally east of Brooke Station and the CSX rail line. Currently the text description of the Brooke Station UDA does not talk into any... discuss any specifics on Transfer of Development Rights. So this is suggesting more specific language be added in.

Mr. Howard: In the document itself, in the comprehensive plan it does make reference to and I forget what page it was on that we would consider the creation of Transfer of Development Rights.

Mr. Zuraf: Yes. That is a policy within Chapter 2.

Mr. Howard: Right. That doesn't cover this?

Mr. Zuraf: No, no this gets to more specifics and even in the preamble of the Urban Development Areas on page 3-17 which is kind of mentioned in point 2, there is a recommendation that seven percent of the units in UDAs occur as a result of Transfer of Development Rights. So that is the only discussion of that within the UDAs and number 1 asks for more specific criteria as it relates only to Brooke.

Mr. Howard: Alright, I will bring it back to the Commission for discussion on, I guess 1 and 2 are somewhat tied together. Maybe not necessarily. So item 1, the Board is indicating that they would... they are making a recommendation to clarify that all of the residential development associated with that particular UDA which is the Brooke Station UDA be tied to the retiring of development rights on land generally east of Brooke Station. And is that... do we identify what land that is? So in other

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words would we identify the parcels and the land... because it is east of... it says east of Brooke Station and the CSX rail line.

Mr. Zuraf: Right.

Mr. Howard: Is that...?

Mr. Zuraf: It's not mapped out in specifics.

Mr. Howard: Okay.

Mr. Zuraf: It's I guess, saying generally it's kind of open for interpretation there.

Mr. Rhodes: So that's not really clarifying much.

Mr. Howard: Do we have... can we pull up the mapping system and would we be able to... could we put points of reference...?

Mr. Zuraf: Okay. Here's the Brooke Station, here's your CSX rail line.

Mr. Howard: They're saying anywhere east of that? Well, Brooke Road actually is in there, right?

Mr. Zuraf: Yeah, it's not referencing Brooke Road, it's...

Mr. Howard: Not referencing Brooke Road. So, it's anything east of the railroad.

Mr. Zuraf: Yes.

Mr. Howard: Could we put...

Mr. Zuraf: If you're concerned about location parameters, we might want to use some of the creeks as a border to that.

Mr. Howard: Yeah.

Mr. Rhodes: And what does seven percent represent? Why seven percent?

Mr. Zuraf: I do not know the basis for that.

Mr. Howard: Is this indicating that we have that in there?

Mr. Zuraf: The seven percent in item 2 is within the overall, the intro to the UDAs.

Mr. Howard: So, that seven percent is in there, isn't it?

Mr. Zuraf: Yes. That's an overall recommendation.

Mr. Howard: So they were just saying change the language to...

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Mr. Zuraf: Yeah, two is a minor point but one is a little more significant.

Mr. Howard: Yeah, one is pretty significant.

Mr. Hirons: Yeah, because my problem with that is it gets into a specific UDA and kind of starts the development of a TDR amendment or ordinance that doesn't exist currently. I'm not particularly supportive of this. I do support, and I don't have any problem with the language that's in there now of seven percent within the UDAs to come via TDR. And with the added goal that the Count should consider or adopt a TDR amendment.

Ms. Kirkman: Mr. Chair? Just in terms of the process, I think it might help us move along if we keep points number one and number two separate, because they were slightly different.

Mr. Howard: They are definitely different. I agree. Any other comments on one or questions? So, they're asking, I mean, it's an unspecified geography basically, right? It's general in nature...

Mr. Zuraf: Right.

Mr. Howard: ... which is okay but I'm not sure I understand how we would even work through that.

Mr. Mitchell: Mr. Chairman, just a suggestion. I would be willing to make a motion that all properties east of the railway, the CSX railway, with the southern boundary being Potomac Creek and the northern boundary being Aquia Creek. All of those properties would fall within that retiring of development right land. Using Aquia Creek, Potomac Creek and the railroad as the boundary lines, that would pin it down to the areas.

Mr. Howard: Alright, you want to make that motion?

Mr. Mitchell: I make that as a formal motion, Mr. Chairman.

Mr. Howard: Is there a second? You can second just for discussion.

Mr. Rhodes: Second for discussion.

Mr. Howard: Mike Rhodes seconded for discussion. Okay. We have on the table a motion to make the boundary Aquia Creek... and what was the...?

Mr. Zuraf: Potomac Creek.

Mr. Mitchell: Potomac Creek on the south, Aquia on the north and the CSX railway on the westerly side.

Ms. Kirkman: Mr. Chair, I'm going to abstain from voting on the motion because I simply don't support the Brooke UDA so I can't take a position on trading development rights for it. So, I'm going to abstain from the vote.

Mr. Howard: Okay.

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Mr. Fields: I guess I will too. I was going to vote against it for the same reason but since I don't support the Brooke UDA, I can't really take a position on the development rights.

Mr. Howard: Okay. Any other discussion?

Mr. Hirons: I'll just say again that even with the caveat of actually making it even more detailed, it probably gets me to support it even less. The Board has asked us to work on a TDR Ordinance. We do have goals within the plan, some generalized goals on developing and implementing TDR. This just gets to the point of starting to make... starting to create that TDR Ordinance before we even have it written up on the chalkboard yet. I just can't support it at this time. It doesn't say anything about my support or non-support of TDRs in general, it's just starting out this way just is not the way I want to start out.

Mr. Howard: I appreciate that. Were there any other comments?

Mrs. Hazard: I guess I was just going to echo the same thing. I'm a little leery of putting the cart before the horse and we are still in a... we also are have or will be part of a grant that will be studying these areas that I would hate to prejudice and make something so specific that then we may, when all the data is looked at, there may be some great suggestions that we may incorporating in this plan for the years to come based on the consultant's work.

Mr. Howard: Right.

Mr. Rhodes: It is... I mean, I know we're only looking at one but at least number two only talks about a portion of it and it drives it to just in a general sense. Whereas, this is so specific and one hundred percent I just... I really don't know.

Mr. Howard: I actually think... I don't know this to be factual by the way; I'm making an assumption here... but the goal here is to protect a peninsula, or at least make an attempt albeit, to cut a quarantine that area or identify that, "hey, we'd love to see less homes built you know in that particular geography and we're willing to trade a development right into this UDA". I happen to support that UDA. I also support the TDR when done right. I'm not sure if voting no on this for me makes sense because I want to support protecting that particular peninsula as well and for less development. But I understand the opinions and I clearly understand you're looking for a more comprehensive process when it comes to the TDR versus kind of doing some of the ad hoc. So, I get that.

Mrs. Hazard: I guess my only other comment, Mr. Chair, would be I think there is a desire to protect that area, but do we need to only protect it if the Brooke Station Urban Development Area goes forward? If there's another area that we could protect it with then I'd like to protect however we can (inaudible).

Mr. Howard: Well, you're absolutely right. Maybe you can trade development rights there for a different UDA down the road. Sure, absolutely. But that's not what the motion was. I think I'm going to support it just because I... and I get everyone's opinion. It is what it is. I'm going to call for the vote. All those in favor of the motion by Mr. Mitchell, second by Mr. Rhodes, signify by saying aye.

Mr. Mitchell: Aye.

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Mr. Howard: Aye. Those opposed say nay.

Mr. Rhodes: No... nay.

Mrs. Hazard: Nay.

Mr. Hirons: Nay.

Mr. Howard: The motion does not carry... oh, any abstentions? There's two abstentions. So, two abstentions, two yea's, three nays; the motion does not carry. Okay. And then item two is changing the word...

Mr. Rhodes: Should.

Mr. Howard: Should instead of may. So, in other words, this is saying that recommendation that (inaudible) units in the UDAs occur as a result of Transfer of Development Rights. So this is, again, the beginning of the thought process for the... so I don't know if anybody wants to make a motion or not.

Mr. Hirons: And to go... and to show I have support for TDRs, may not have support, I'll make the motion to accept what number two is saying.

Mr. Rhodes: I like should.

Mr. Hirons: Change may to should.

Mr. Howard: Okay, so the motion is to change...

Mr. Rhodes: May to should.

Mr. Howard: ... wording on page 3-17 from may to should. And it's seconded by Mr. Rhodes, is that right?

Mr. Rhodes: Yes.

Mr. Howard: And now we have discussion. Mr. Hirons, you can start the discussion or you can yield your...

Mr. Hirons: I'm not an English major; should sounds just as good as may. I'll accept it.

Mr. Rhodes: And should is better than shall so I'll accept it.

Mr. Hirons: Yes. How'd I know? I was there for that day.

Mr. Howard: Ms. Kirkman?

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Ms. Kirkman: I am again going to abstain from this motion and the reason being that, first off, you know, how did this target get picked and second, I have real questions about the economic viability of the Transfer of Development Rights. So, I'm just going to abstain on this one.

Mr. Howard: Okay. Any other...?

Mr. Mitchell: Mr. Chairman, I personally look at this as just a clarification. We took a lot of words that used to say shall and changed them for a very good reason because shall was, from my interpretation, not as an attorney, that shall is mandatory. My old cohort from years ago, Alda White, used to always say shall is mandatory. I listened to that for the eight years I was on the Board with her. So, to me, changing it from should to may... I'm sorry, may instead of should, gives it a little more leeway, it gives it a little more reflection back and forth.

Mr. Howard: But it is just saying that the motion was to change it to should from may.

Mr. Mitchell: Right.

Mr. Howard: Okay. But it's not shall; it is not the word shall.

Mr. Mitchell: Right, it is not shall. Shall really bothers me.

Mr. Howard: Okay. Any other discussion? No? Okay. I thought Ms. Kirkman was going for the microphone. I'll call for the vote. All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay. Any abstained?

Mr. Fields: Me.

Ms. Kirkman: Me.

Mr. Howard: Okay, two abstentions, Mr. Fields and Ms. Kirkman. I think the motion carried 5...

Mr. Rhodes: Zero, two.

Mr. Howard: ... -0-2. Thank you Stacie, and Mr. Rhodes. Okay, then we have the request that the build-out reflect what's recommended in the plan.

Mr. Zuraf: Item four was a request to revise the build-out in appendix D so the build-out would reflect the 14,661 dwelling units recommended in the UDAs as opposed to the ten dwelling units per acre that it's currently drafted as.

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Mr. Howard: And this is the... I think when I did the math on this, was this actually 1.7 dwelling units per... I forget the... So say this again. This is requesting that the build-out reflect what's recommended in the plan and not assume something different than what the actual plan states. This is in the table that we're talking about, right?

Mr. Zuraf: Yes.

Mr. Hirons: This is requesting that the number for the UDAs, for the Urban area, actually reflect what the plan says as opposed to something that the plan does not say. And with that, I'll make the motion to say that the build-out... it's for the Urban Development Areas... should read 14,661 dwelling units as opposed to whatever it says now which is a magic number.

Mr. Howard: Okay.

Ms. Kirkman: Mr. Chair, for clarity, could the motion maker specify exactly which table he's referring to by number? Are we talking about the projected build-out?

Mr. Hirons: The maximum build-out and we should all know this table number by now. And it's... it's way in the back...

Mr. Howard: Mike, what table was it?

Mr. Zuraf: It's appendix D.

Ms. Kirkman: Okay, so we're talking about appendix D?

Mr. Zuraf: Yes.

Mr. Howard: Is there a second for discussion?

Mr. Rhodes: Second for discussion.

Mr. Howard: Okay. Discussion... Mr. Hirons?

Mr. Hirons: Again, this number, this 14,661 actually reflects what the plan says. It doesn't reflect something that the plan does not say. I believe the ten units per acre somehow derive from the TND Ordinance which the land isn't currently zoned that way nor do we even discuss within the UDAs specifically about TND. In order for these UDAs to actually happen, there may need to be a new zoning ordinance developed which may be different in density or specific to the densities that they request. So, applying the ten units per acre, there's just not a lot of foundation for that in my opinion. When the plan actually specifies the number of dwelling units, even down to the types of dwelling units, we should use the actual numbers that the plan specifies.

Mr. Howard: Okay.

Mr. Rhodes: Mr. Chairman? I think if we were to do this, we would also want to again change the title. Becoming less and less understanding of why we have the maximum build-out when it is such a

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theoretical number that it's never going to happen. After the last meeting and this one, the less I understand why we had it or have it, there is no magic to it. There is no set formula but I would submit that if we were to do this, I don't know what the wording is but I would suggest we modify the motion to also modify the title as well.

Mr. Howard: So, you're making a supplemental motion...

Mr. Rhodes: I'm trying to quickly think...

Mr. Hirons: If you can come up with the words I'll probably accept it as a friendly amendment.

Mr. Howard: How about just... I mean, you can make a supplemental motion that says land use build-out table.

Ms. Kirkman: Except, Mr. Chair, the reason for having this in here was to present the maximum potential liability to the County if everything were to be developed.

Mr. Howard: And, Ms. Kirkman, when we talked about adding this, we did say as reflected in the plan. And if you go back and look at the notes from that meeting, that was also in there. And I think all they're trying to do is, from what I understand, is do that. And I guess that's a miss on our part because that's how we voted to vote this back in and we said "as reflected in the plan".

Ms. Kirkman: In fact, if you go through the minutes, which we fortunately have, there was a very explicit discussion about exactly what the methodology was that we were using. And so it was very clear at the time that we voted the first time on this motion that we were talking about ten units per acre. It was also clear at the second time we voted on this motion. I supposed you can keep bringing the motion back until you get the votes to change it but, at that point, it's not a maximum potential build-out. So, it's the sort of potential build-out so why even include the table?

Mr. Rhodes: Well, just like my conversation the last two times why include the table, I agree with you a hundred percent which just shocks the daylights out of me. But because it really had no relevance before either because it would never ever happen, it was just the highest thing we could come up with. I also, I will admit, two or three sessions ago when we first voted on it, thought it was a set required table that had to be in there by a definitive methodology and then I was just too slow to think to ask those follow-up questions to clarify that it's just something we put in there and that there wasn't an established methodology. In fact, what we used last time was not what we used the time before that. I do think we've got to come up with what it does represent because it is not what that title says now. It is this Comp Plan's expected build-out. That is what it is.

Ms. Kirkman: And, Mr. Chair, I would submit if we're going to get, go through the plan and get rid of so-called magic numbers, the first number we need to start with is the thirty-four million square feet in commercial which even the Board's own analyst has determined is never going to happen, that only a third of that will happen in the next twenty years.

Mr. Rhodes: Mr. Chairman? Is the expectation in this plan here, just so I understand, that we absolutely are going to build that amount of commercial or is that the amount of area that would be available for the twelve and a half million square feet of commercial that we're estimating will... could come up?

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Mr. Howard: Let me answer Ms. Kirkman's question first. I think like most numbers in here, because it was a maximum land use build-out table, as you stated yourself, it's sort of the what could occur if all things occurred. And we know that does not happen. So, I'm not sure we need to change the commercial number but we can debate that. The motion on the table is to change the number for the build-out of what's actually reflected in the UDAs in the language in this document. To answer your question Mr. Rhodes, I think we hired a consultant to tell us directionally what the financial impact or fiscal impact could be to the County based on the current plan that was written. And then we said, you know what, Ms. Kirkman brought this up before; we didn't do that with the last plan, could you go back and do the same analysis on that plan and let us know is the plan financially a stronger plan or not. And it appears based on the dwelling units and we changed the dwelling unit mix based on this individual's discoveries through his analysis or analyses and it's all directional. The whole plan is directional. It's a Comprehensive Plan that gives direction to residents of the County, it gives methodology to anybody who's interested in investing in our County, anyone who wants to come in and start a business, anyone who wants to buy land, anyone who wants to speculate so on and so forth. So, and to grow our economy at a rate that is sustainable; at the same time have other people participate in the cost of the infrastructure. So, all that being said, it's not an exact science unfortunately. We wish that it was, but it's not. So the motion I think we have to stay with right now I think is the motion which is to request the build-out reflect the recommended dwellings of 14,661 in the UDA.

Mr. Rhodes: Mr. Chairman, if I might...

Mr. Howard: And then once we dispose of that we can talk about this.

Mr. Rhodes: If I might suggest a consideration of modification by the individual who made the motion that it's a...

Mr. Howard: Friendly amendment.

Mr. Rhodes: A friendly amendment to the expected build-out table, this Comp Plan's expected build-out table or estimated build-out table. It clearly is not what the title of D is and so we are modifying that a little.

Ms. Kirkman: Mr. Chair, you know, I appreciate my colleague's attempts to be more accurate but we already have that, it's called the projected growth table. So I don't understand why appendix D is even in here if you're not going to do the maximum potential.

Mr. Rhodes: Cool.

Mr. Howard: Well, we have a motion on the table and Mr. Rhodes was making a supplemental motion. Are you retracting your supplemental motion Mr. Rhodes?

Mr. Rhodes: Sure.

Mr. Howard: Okay. So now the motion is still on the table. Ms. Kirkman, are you making a friendly amendment?

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Ms. Kirkman: No I am not. I am making an observation that it's no longer the maximum potential build-out and if it's just to reflect what's going to be...

Mr. Howard: Well, if you're not making a friendly amendment...

Ms. Kirkman: Excuse me, if I could...

Mr. Howard: ... then Mr. Hirons actually has...

Ms. Kirkman: If I could finish without being interrupted.

Mr. Howard: Well, actually you can't. Under Robert's Rules you would have to stop and Mr. Hirons has an opportunity to answer the friendly motion question; that's why I was asking if you were making a friendly amendment. So, Mr. Hirons, did you want to comment on Mr. Rhodes'... and then we can go back to Ms. ...

Mr. Hirons: I thought he retracted his?

Mr. Howard: He retracted it and I think there was an assumption, based on my part, that Ms. Kirkman was going to make a friendly amendment; she said no. Let's go back to Mr. Rhodes' comment; you have a chance under Robert's Rules to comment on that. Do you want to comment? You don't have to.

Mr. Hirons: No, I don't particularly have a comment.

Mr. Howard: Okay, Ms. Kirkman, go ahead. You have the floor.

Ms. Kirkman: Simply that it's no longer the maximum potential build-out. If you're just going to use the numbers from the UDA, it's now the whatever we're calling the table in the land use chapter the projected growth. That's all.

Mr. Rhodes: Could you give us the table number?

Ms. Kirkman: Sure.

Mr. Zuraf: 3.3.

Ms. Kirkman: Yep; 3.3 Land Use Map Growth Projections.

Mr. Fields: Yeah, you can't put 14,661 on a table where all the other categories are the mathematical iteration of the potential land use. That's what it is; it's a mathematical exercise for comparing apples to apples. You're taking the mathematical build-out of other... 2008, 2009, other versions, comparing with 2010 to simply look at the iteration of what is... once again, nobody thinks the maximum is going to occur but it's the only way you get equal... projections involve more assumptions. It's simply taking what the land use is designed to do, dwelling units per acre, and dividing the number of acres by that as a way of mathematically creating a comparison model. And that's the value of it. If you manipulate the numbers to projections, then the other numbers have to be manipulated the same way to projections and then you're just a projected table. So, I would submit that rather than, you know,

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actually I would offer a substitute amendment that rather than 14,661, you know, you just eliminate the max build-out table. Why don't you just do that and be done with it?

Mr. Howard: So a supplemental motion was made...

Mr. Fields: It's a substitute motion to eliminate the max build-out table.

Mr. Howard: Is there a second?

Mr. Rhodes: Can I second both?

Mr. Howard: It probably should be somebody else.

Mr. Rhodes: Okay.

Mr. Howard: Is there a second?

Mr. Rhodes: Sorry Pete, I was with you.

Mr. Fields: I know.

Mrs. Hazard: I'll second for discussion.

Mr. Howard: Okay. So now the new motion is to eliminate the maximum land use build-out table...

Mr. Fields: If you're not going to use a consistent methodology with the different factions of the table, there's... I, of course, believe that the max build-out table, as we've voted on it twice already to include, is a valuable tool for understanding, for comparative purposes, the different qualities of land uses expressed in different plans or in other plans that may be to come. If you use a consistent type of number, you can arrive at a consistent type of comparison. If we're going to manipulate the numbers in those, different cells in that for different methodologies, the table then becomes worthless as a tool for comparison and just might as well exist. I would rather see no max... obviously I want the max build-out table in. I would rather see no table than one where the numbers have been artificially manipulated.

Mr. Howard: Okay, any other discussion?

Mr. Rhodes: Mr. Chairman, I'm trying to quickly look at the two to see if there's anything particularly missing. But I'd like to pose to staff if there's something particularly that would be missing if you deleted any element of the table D, if you drop that, if there's any concern or anything that highlights it that's missing for some reason for other purposes.

Mr. Zuraf: You're referring to... I guess, can you...

Mr. Rhodes: If table D no longer exists, is there something on there that you need for some other reason throughout this Comp Plan?

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Mr. Harvey: Mr. Chairman and Mr. Rhodes, in my discussion with the Utilities Department, they like the idea of having a build-out in our plan document because it gives them something to shoot for beyond a twenty year planning horizon, because often, for reservoirs and large capital facilities involved with our water and sewer infrastructure, they have to go beyond a twenty year planning horizon. So, they like to have those type of numbers as a benchmark.

Ms. Kirkman: Mr. Chair? I highly respect my colleague from the George Washington District, but I find myself in an unusual position of saying I'm going to oppose his motion because I simply cannot be a part of removing the maximum potential build-out table. I understand his desire to not have manipulated numbers in here, but I will not be a part of something that removes something so important from the Comprehensive Plan.

Mr. Howard: Thank you. Any other comments? I have one or two. I, too, have wondered why we have the maximum land use build-out table in here. I mean, I understand the methodology and just so those who might be listening, it takes the entire County and takes the existing zoning... and if I'm wrong, Mr. Zuraf, correct me... but it takes the existing by-right current zoning and applies what could occur on those parcels. Is that right?

Mr. Zuraf: Not exactly. It identifies properties that already have development proposals approved; it accounts for that. And then all remaining land that is basically could further be developed, whatever development density is recommended in those areas is applied. The multiplier is applied to those units.

Mr. Howard: So, can you back up for a minute. So, it takes parcels and identifies parcels that there's already approved development to occur, is that correct?

Mr. Zuraf: Right.

Mr. Howard: Which is what is now being asked for the UDA number, is that correct?

Mr. Zuraf: No, that actually falls under the...

Mr. Howard: No, Mr. Zuraf, it takes parcels that are currently approved projects, right?

Mr. Zuraf: Right.

Mr. Howard: And if the Comp Plan were approved and adopted, the UDAs in the Comp Plan technically would have a build-out number associated with it based on what's written; is that true? Because what I'm hearing you tell me is this is actually not the maximum land use build-out table based on what you just said, because it is including two different methodologies. It's taking what actually is today under an approved plan, that's listed separately, and then it's looking at what's remaining and then does what?

Mr. Zuraf: It applies the... in the areas of suburban and rural, it applies a density to those areas to determine what the...

Mr. Howard: Based on the existing land...?

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Mr. Zuraf: Based on what the land use plan recommends. And then for the Urban Development Areas, this, what's being proposed and being proposed by the Board, is that what's being recommended in more detail in each UDA would be applied.

Mr. Howard: So, why were ten dwelling units per acre applied then to these housing units in the UDA?

Mr. Zuraf: The reasoning for that was to provide an apples to apples comparison to the previous versions. That's what was...

Mr. Howard: But it isn't apples to apples if the UDA is change and so do the densities and the dwelling units. I mean, why wouldn't you reflect that? That's the piece that I don't understand; I'm not getting that.

Mr. Zuraf: That's the whole debate.

Mr. Howard: I understand that.

Mr. Zuraf: So, it's what do you want to have in there and it's...

Mr. Howard: Well, you want to have a number that's... it's nice to throw out different, you know, verbs and adjectives about peoples' integrity. I don't think it's a good thing to do but people have done that tonight. And I don't think that's true; I don't think anyone's trying to be deceptive. I think someone's trying to get a real number into the document and we either want to do that or we don't want to do that, and that's what it comes down to. Okay, so we have a motion to take the maximum land use build-out table out...

Ms. Kirkman: Mr. Chair, could I suggest that, and I don't know if it's properly under Robert's Rules of Order but, that perhaps my colleague was either premature or out of order in making his substitute motion because it presumes that the UDA numbers will be changed and that motion was never voted on.

Mr. Howard: It is out of order but, you know, you're probably right with assuming Mr. Fields was thinking that was going to occur. But, nonetheless, the motion's on the table so we can dispose of it by a vote.

Ms. Kirkman: Or can he... does he have the procedural mechanism to withdraw it? I think you can, right?

Mr. Howard: He can, yeah.

Mr. Hirons: It has to be accepted by the person who seconded the motion to withdraw, doesn't it?

Mr. Howard: That's correct, yeah.

Mr. Fields: I understand your reasoning Ms. Kirkman. I know what you're saying, but we've gone over this and we've gone over this. I've tried and everybody else has tried to articulate it the best we can. It's obvious that the correct apples to apples numbers are never going to see the light of day so I'd

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rather have them never see the light of day and we'll deal with it down the road. It's not a productive thing; it gives me no joy to do this. But I don't want to see numbers constantly manipulated into that table. It's either what it is, it's either done mathematically or it's not done at all.

Mr. Howard: Okay, we'll call for the vote. All those in favor of Mr. Fields' motion to remove the maximum land use build-out table from the Comprehensive Plan draft signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Those opposed?

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 6 to 1. Does that take care of number 5?

Mr. Zuraf: No... well, yes it does. No. Five is really a request to revise the text for the suburban land use designation. Currently the text recommends a residential density of three dwelling units per acre and this would be reducing that down to one and a half dwelling units per acre. I think the discussion was around the fact that will these standard R-1 zoning basically has a cap of 1.5 dwelling units per acre, so that was the request at that by the Board.

Mr. Fields: I thought the current R-1 zoning is 1.5 dwelling units per acre, correct?

Mr. Zuraf: Under conventional and then you have cluster.

Mr. Fields: Cluster at three.

Mr. Zuraf: Yes.

Mr. Fields: So this simply reflects what's the existing in R-1 zoning.

Mr. Zuraf: And that would be applied to all...

Mr. Fields: Does this assume that 1.5 dwelling units per acre is not modifiable with cluster then under the suburban land use designation? Or does it simply track the current R-1 zoning district standards?

Mr. Zuraf: If somebody came in for say an R-1 cluster rezoning, then it would not.

Mr. Fields: You would have to modify the R-1 zoning district to exclude the cluster option...

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Mr. Zuraf: To conform with, to implement the plan.

Mr. Fields: To conform; so even if you say 1.5 per acre it's still possible to do...

Mr. Zuraf: It's still, yeah.

Mr. Fields: Under any of the land use designation under suburban land use under this current proposed plan you could still come in with an R-1 rezoning request?

Mr. Zuraf: If you are currently zoned R-1.

Mr. Fields: Could you come in and rezone A-1 that was under the suburban land use under the current R-1 zoning District, because that's still the prevailing district, the ordinance, regarding that land, right?

Mr. Zuraf: Yes.

Mr. Fields: If you came in with an R-1 proposal for clustering at three per acre under this land use designation that said 1.5 dwelling units per acre but was silent to the cluster, could you not... would you be out of compliance with the Comp Plan?

Mr. Zuraf: No.

Mr. Fields: Okay.

Mr. Rhodes: So what does that mean? What did you just probe around there, Pete?

Mr. Fields: It means I'm not sure what the point of it is because you can get to either 1.5 or three.

Ms. Kirkman: And, Mr. Zuraf, haven't we established there are also zoning districts in suburban land use where you can have as high as fifteen per acre?

Mr. Zuraf: That's where it's already zoned to that.

Mr. Fields: So this would preclude that?

Ms. Kirkman: So this is a meaningless figure, this 1.5. I mean, the three was meaningless but the 1.5 is like more meaningless.

Mr. Zuraf: Well, it would apply if then actually... usually...

Mr. Howard: What's the historical... do you have any historical information in the suburban land use areas? What has been the density, do we know that? I mean, is this more of an historical true up or...

Mr. Zuraf: This... as far as actually what gets developed?

Mr. Howard: Yes.

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Mr. Zuraf: You're going to see usually the conventional R-1, so a single-family detached subdivision is going to be anywhere from like 1.0 to 1.5 dwelling units per acre after you end up with open space and unusable area.

Mr. Howard: Right. So, is this just trying to true that number up to Ms. Kirkman's point three... I'm not sure where three came from... but if you looked across the horizon, is 1.5 really closer to the real number; is that why we're doing this?

Mr. Zuraf: Right, once you get in reality there are cases where even the clusters that we get in, we usually don't see them go above 2.0 dwelling units per acre. But it still could happen.

Mr. Howard: But it could.

Mr. Zuraf: It could, but...

Mr. Harvey: Mr. Chairman, getting back to your question, if you look at table 3.3, you look at the acreage in the suburban area versus the existing number of units in the suburban area, you're probably at a 1.1 unit per acre.

Mr. Howard: Right, so this is truing up the number.

Ms. Kirkman: So, if I could get clarification from staff, when I originally asked about how the 3.0 units per acre was derived, I was told that was based on historical experience. So, how did it change from three to 1.5?

Mr. Zuraf: This was a request from the Board.

Ms. Kirkman: Okay, so the 1.5 is not based on the historical experience; the 3.0 was.

Mr. Zuraf: I don't recall stating it was a historical experience.

Mr. Kirkman: Well, I do recall you giving a rationale for the 3.0 and maybe it wasn't historical; maybe it had to do with an average that came out after you looked at the areas that were fifteen units and the ones...

Mr. Zuraf: Well, that was back when we did have it more open-ended and now it's, you know, the plan has been revised to basically more so limit future use to single-family units, with the exception of wherever R-2 and R-3 land is zoned. So, the plan has kind of changed since that point.

Mr. Howard: I think it's what Mr. Harvey just indicated which is truing up the number based on the math. What table were you on Mr. Harvey? What page is that?

Mr. Harvey: 3.3 on page 3-54. At the top of the page you have the block dealing with suburban and it gives you a net acreage and then also an existing number of dwelling units. So the net acreage is 30,688 and you're existing dwelling units is 32,957; I didn't use a calculator but just guestimating it looks like it's about 1.1.

Mr. Howard: Yeah, I think you're right.

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Mr. Zuraf: In that, I guess, density could be capped through proffers if somebody comes in with a rezoning and they're under conventional and, typically, when we do get a residential rezoning you're going to usually have a max.

Mr. Howard: Alright, we're going to take a five minute time out here. We have some logistics issues that have to be resolved and if anyone needs to use the restroom we can do that real quick. We're going to recess for five minutes. Thank you.

Mr. Howard: I apologize, that was our first TV time out. We just had a little technical difficulty. That if we continued, if someone is watching at home they would not have been able to continue to watch for about five minutes. And because we were in the Comp Plan we opted to take a quick recess. Some of us needed it anyway, so that was a good thing. I also... I am going to suspend the conservation on the Comp Plan at this moment. We have two applicants left in the building that we certainly never meant to keep you here this long. We got so involved and engrossed in our conversation so I am going to bring item 14, which is on the agenda as SUB100017, Patriot Ridge Preliminary Subdivision Plan. And I understand that there is a lot of detail to go over this plan so I will bring it to Ms. Kirkman; it is from her election district.

14. SUB100017; Patriot Ridge - Preliminary Subdivision Plan - A preliminary subdivision plan for 16 single family residential lots on private well and septic systems, zoned A-2, Rural Residential, consisting of 23.12 acres located on the west side of William and Mary Lane, approximately 1,200 feet south of Decatur Road on Assessor's Parcels 31-67 and 31-68 within the Griffis-Widewater Election District. (Time Limit: December 29, 2010)

Ms. Kirkman: Yes, Mr. Chair, at this time because of the late hour and the need to review this plan, I am making a motion to defer this item to our next meeting.

Mr. Howard: Is there a second?

Mr. Fields: Second.

Mr. Howard: Second by Mr. Fields. Any discussion? And our next meeting is October 20th, is that correct?

Mr. Harvey: Yes sir.

Ms. Kirkman: And I am sure the Chair would extend his apologize... apologies, we were unaware the applicant was still in the building.

Mr. Howard: We did not realize... actually and, Mr. Harvey, can we have that as the first item on the agenda for the 20th?

Mr. Harvey: Certainly.

Mr. Howard: Okay. Any other discussion? Okay all those in favor signify by saying aye.

Mrs. Hazard: Aye.

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Mr. Rhodes: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed? The motion carries 7-0. We do definitely apologize that you guys sat here that long. I am very sorry about that, but we will see you on the 20th and you will be first on the agenda. Thank you very much. We have item 15, I don't know if the applicant is here.

15. PAE1000215; Mt. Olive Private Access Easement - A request for a Private Access Easement to serve one (1) lot on Assessor's Parcel 36-59B located on the east side of Mt. Olive Road north of Kellogg Mill Road within the Hartwood Election District. (**Time Limit: November 13, 2010**)

Mr. Harvey: Yes, he is here he is in another part of the building. He is on his way.

Mr. Howard: He is on his way, so we are going to wait for that applicant for a moment.

Mr. Harvey: He should be walking in the door momentarily.

Mr. Howard: This is in the Hartwood election district. So we are up to item 15. This is the staff person... oh the County is the applicant? No?

Mrs. Ennis: No, the applicant is here.

Mr. Howard: The applicant is here, that was the question.

Mrs. Ennis: Yes.

Ms. Kirkman: Well I was just going to suggest perhaps my colleague from Hartwood would consider the same kind of motion I made because I'm...

Mrs. Hazard: I would like too. I would like the applicant to be here though...

Mrs. Ennis: He is here.

Mrs. Hazard: At least for...

Mr. Howard: Well, we made a motion for the last item to defer to the 20th because of the time of the evening.

Mrs. Ennis: Oh, okay.

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Mr. Howard: I guess we can, we can...

Mrs. Hazard: And we would like to remember too.

Mr. Howard: Well you certainly...

Mrs. Hazard: I would like to have that deferral because there were some concerns raised as well. I think that it would be better for everybody to go to the October 20th...

Mrs. Ennis: October 20th?

Mrs. Hazard: And I would like to apologize as well.

Mr. Mitchell: Mr. Chairman I would like to second the motion. I would also like to... as part of... as a friendly amendment is to have the applicant be number two on the list. Because we have already opted for number one, so have this applicant as number two if that is agreeable.

Mrs. Hazard: I would certainly agree.

Mr. Howard: So we have a motion on the floor to defer the Mount Olive Private Access Easement, which is PAE1000215 to the 20th and be second on the agenda.

Mrs. Ennis: Okay.

Mrs. Hazard: And again, our apologies, excuse me.

Mr. Howard: With our apologies of course.

Mrs. Ennis: Can I give you a hand out that goes with that?

Mr. Howard: We can read it, sure.

Mrs. Ennis: Okay. I put the wrong map.

Mr. Howard: Okay, so we will have it with us when we come back. So we will vote on the motion. All those... is there any discussion? No discussion, all those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

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Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay. The motion carries 7-0. Please accept our apologies for keeping you here this late. We would like you to come back on the 20th and you would be number two on the agenda. Thank you.

Mrs. Ennis: Goodnight.

***1. Proposed Amendments to the "2010-2030 Comprehensive Plan" dated September 10, 2010.
(Time Limit: October 20, 2010) – Continued***

Mr. Howard: Now we will bring the discussion back to the Comprehensive Plan.

Mr. Fields: Mr. Chairman, if I can just... Mr. Rhodes and I were sort of discussing off line. I think on the Suburban Land Use designation, I guess I need to be clear. Other than what is vested zoning, are we saying then that the Comp Plan recommends that on any land that is designated Suburban that is not in a UDA; that there is... then there is no accommodation ever for townhouses and multi-family dwellings? Only single family detached and only a density of 1.5 per acre in the Suburban areas. So that in the future other than what is vested the only townhomes and multi-families that will be allowed to be built are the handful of ones that are listed in the UDA? Because that is the implication of what happens and I am not sure that is exactly what everybody wants, or maybe that is. It is certainly not what I would want but I want to be clear, does this imply that?

Mr. Zuraf: Yes and actually that is the way it is worded now only that it would be at a three unit per acre density.

Mr. Fields: So no more townhouses and condos except for like the few hundred that are left in the UDA's.

Mr. Zuraf: Right.

Mr. Howard: And this Suburban.

Mr. Zuraf: And in the Suburban area.

Mr. Howard: The Suburban Land Use designation.

Mr. Fields: Okay.

Ms. Kirkman: And uh...

Mr. Fields: I think that is pretty exclusionary. You know irrespective of Dr. Fuller's analysis or anything else like that to say then that other than a handful of things that are in UDA's which are going to be expensive difficult to build and we have been over the problematic thing like that, that other than the vested townhouse and multi-family people that can't afford a single family house in Stafford are just not going to be able to live here. Sorry...

Mr. Howard: I think...

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Mr. Fields: Sorry if you are a teacher or sheriff or something...

Mr. Howard: Well hopefully they would live in the urban areas.

Ms. Kirkman: So we are gonna... I'm sorry Mr. Chair but that really sounds like what we are saying. It's okay for...

Mr. Howard: No...

Ms. Kirkman: ...lower income people to live in the UDA's and let everybody else...

Mr. Howard: No, because in the Urban Development Areas recall that there are different types of dwelling units and you will have single family dwelling units in the Urban Development Areas as well. So on... four per acre basically.

Mr. Rhodes: Right now with the three dwelling units per acre you can have cluster or... I mean there are other alternatives in R-1, I mean they apply and get approval, right?

Mr. Zuraf: Yes, administratively.

Mr. Rhodes: Could you still do that if it is at 1.5? Are we precluding that?

Mr. Zuraf: It's more likely that... with single family detached housing or are you referring to if it was including townhomes and apartments?

Mr. Rhodes: Either, I am just trying...

Mr. Zuraf: It could happen with townhomes and apartments, you would just need much more land to make a townhouse project work because usually those are a much higher density. And then even more so with apartments.

Mr. Rhodes: You just need twice the acreage.

Mr. Zuraf: Yes.

Mr. Rhodes: I guess mathematically.

Mr. Zuraf: Yes.

Ms. Kirkman: Mr. Chair I have a...

Mr. Howard: Yes, Ms. Kirkman.

Ms. Kirkman: Changing this from 3 to 1.5 does that change any other numbers anywhere in the Comp Plan?

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Mr. Zuraf: It would have changed the build-out but not anymore. That would be the one thing that would have changed.

Mr. Rhodes: Does anybody know the motivation of that request?

Ms. Kirkman: I think we might have just heard it.

Mr. Fields: Yeah, you just heard it that's why they got rid of the stupid thing.

Mr. Rhodes: Is it moot?

Mr. Fields: Well it does have to do with are you ever going to accept... other than vested R-1 zone, which under the current law I mean you would have to change the current... you would have to modify... to comply with this you would essentially have to say that other than for grandfathered units you would do away with R-2, R-3 and R-1 as it exists now and invent... either modify or amend R-1 or invent another Suburban Land Use designation. Because none of our current Suburban Land Use designations then would be... other than R-1 with no cluster would be permissible under the Comp Plan as written now. So you know a lot...you know R-2 allows up to seven per acre with cluster. You know R-2 can be a very useful urban zoning for single family... particularly a more neighborhood style, what we call a traditional neighborhood style even though it is not a TND. Traditional neighborhood style single family housing that has things like shared driveways and compact porches, porches on sidewalks, kind of like older neighborhoods which they realized put people more together and created a better sense of community. Rear loaded garages with allies and things like that, those are all possible single... very, very beautiful and livable communities of single family detached housing that actually end up averaging even sometimes greater than three per acre. And what you are saying is that other than in those big UDA's which you guys have articulated is going to require hundreds of millions... well millions of dollars of infrastructure investment before they ever see the light of day. That other than in those eight places that any of those types of housing types in Stafford are now...other than what is vested are now off the books. I think it is very short sighted and very unfair to people who don't make a hundred thousand dollars a year that want to live in Stafford County.

Mr. Howard: If we vote for it.

Mr. Fields: It would be a good reason not to then.

Mr. Howard: Well it is also I think we are like the tenth wealthiest county in the country, but the other issue... I think part of it is and I can speak... I don't know where it is coming from and why it is on here, but part of the other issue could be with motivation is really to move the density into the Urban Development Areas which is where I was going with my answer. You are still going to have single unit you know family dwellings... single family homes all be it four per acre, but you could to Mr. Fields point, you could change the land designation or come in for a rezoning that allows you to build with greater density in that particular geography as well. So...

Mr. Fields: But you would have to be in a... you would have to have a comp plan amendment giving you a variance from the density because you would...

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Mr. Howard: Right depends on the number of acres that you are trying to develop. So to your point and is if cost effective, I don't know. You know leaving it at three dwelling units per acre, I am not sure...I mean we are talking about you know...

Mr. Fields: It is really moot in my book because I would never support something that says all of Suburban Land Use other than UDAs can never be anything but single family detached. That is so exclusionary and unfair I don't even... I can't even begin to articulate how bad that is. So it is really moot to me 3 or 1.5, if you are not permitting anything other than single family detached. But I think if you are concerned about even a variety of single family detached housing products as they say in the business, you should be very concerned about limiting under the Comp Plan to 1.5 because that really limits it to pretty much the conventional you know one... you know three quarter one acre lot you know, five thousand square foot, you know two or three bay garage house which is very nice but that is kinda what you are saying you want the entire county to build-out at. And that is not...

Mr. Howard: Again if you don't come in for a rezoning, so I think that is...

Mr. Fields: Well eventually you are going to have to come in for a rezoning.

Ms. Kirkman: Mr. Chair, do we... is there a motion on the floor regarding this?

Mr. Howard: There is not at the moment.

Ms. Kirkman: I lost track of it.

Mr. Howard: Yes, there is not. We are having a discussion about it now. You can make a motion.

Ms. Kirkman: No, I have no interest in making a motion on this.

Mr. Howard: Is there any appetite to make a motion on this? From anyone? Hearing none we will just dispose of it.

Mr. Zuraf: Okay.

Mr. Hirons: Mr. Chairman.

Mr. Howard: Yes.

Mr. Hirons: We have a tiny bit of housekeeping for the plan because we moved the Maximum land build-out table on page 3-53, there is the paragraph that actually describes the max land use build-out that needs to be eliminated because it references the table and that is pretty much all it does.

Mr. Howard: Are you making a motion?

Mr. Hirons: I will make that motion to remove the last paragraph, total maximum land use build-out on page 3-53.

Mr. Mitchell: Second.

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Mr. Howard: Seconded by Mr. Mitchell. Any discussion?

Mr. Hirons: Sorry, I am using the non-edited version.

Mr. Howard: No, it is 3-53. Right, if you have the edited version it is a different page. Hearing no discussion I will call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 6 to 1. Okay, we got through those five.

Mr. Zuraf: That was kind of a side issue and I think that we were just at the beginning of the memo really.

Mr. Howard: Right.

Mr. Zuraf: So I don't know if you still want to go through point by point or if the Commissioners just want to call out certain sections...

Mr. Howard: Do you have a list of the other elements you are changing? You said there were some legal, do you want to cover those? There were some legal, and I know there are some Commissioners that have other issues they want to raise, I think anyway.

Mr. Zuraf: Well those were the suggestions in attachment 8. Which generally minor in nature, there was the additional language kind of suggested to shore up... at the first part of attachment 8 where it starts at page 3-18 it kind of gets at the residential density requirements and basically shoring up the language to insure that the minimum requirement is the maximum and that once the maximum units are achieved that no more units can be approved in these UDA's. That was just additional language added and a lot of the other comments are more minor.

Mr. Howard: Okay. So I guess the questions from a procedural perspective, Mr. Smith, do we need to vote on that. I know that staff wants to make those changes and they are under advisement from outside counsel to do so. Does the Planning Commission, since we sort of control the document at the moment, should we make a motion for that?

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Mr. Smith: Mr. Chairman, I think it would be appropriate to make a motion to clarify that these changes should be included.

Mr. Howard: Okay, anyone on the Commission willing to make that motion?

Mr. Hirons: I will make the motion to accept the changes.

Mr. Howard: As written on page 2?

Mr. Hirons: Page 2 of 3 of attachment 8.

Mr. Rhodes: Attachment 8.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: Okay. Any discussion? I mean it is very specific to certain sections and pages and replacing words like would with will.

Mr. Hirons: A lot of clean up.

Mr. Howard: Yes. Inset on the in certain sections. Some of it is grammatical some of it is changing the...

Mr. Rhodes: If we could just indulge for one...

Mr. Howard: Sure.

Mr. Rhodes: I just want to re-glance.

Mr. Howard: Taking things like the word expect and use that for the word expected.

Mr. Zuraf: And Mr. Chairman, I think I mentioned it in the memo, but also outside counsel did provide comments to Chapter 4 which was the newer addition of the Transportation Plan and so that was more hand written in and those again similar minor grammatical issues. I don't have that here in the attachment so that might be something we just provide to you at the next meeting as to what those are since you are not seeing them tonight.

Mr. Howard: Okay. So hearing no discussion, unless anyone wants to have a discussion, I will call for the vote. Are you good Mr. Rhodes?

Mr. Rhodes: Yes, thank you.

Mr. Howard: So I will call for the vote. All those in favor for the motion to include or allow staff to make these changes as suggested by Pat Taves, which is attachment 8 signify by saying aye.

Mr. Rhodes: Aye.

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Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Mr. Fields: No.

Ms. Kirkman: No.

Mr. Howard: Motion carries 6 to 1, no 5 to 2. Motion carries 5 to 2.

Mr. Zuraf: There was also attachment 6, which was a request for staff to provide the breakout of dwelling unit types by land use district and consider putting that in to the text that leads up to Chapter 3. This is attachment 6 and it is kind of placed in, it is in red text on page 3-53.

Mr. Rhodes: Oh okay, thank you.

Mr. Howard: This break out that number 14,661 by dwelling unit type.

Mr. Zuraf: Yes.

Mr. Howard: Okay.

Mr. Zuraf: And then what we actually do with the unit types in suburban, we show a range because it kind of estimates the possibility of what with multi-family and townhouses you could have potentially zero up to eleven hundred and sixty three. Those are based on already kind of approved units of those types.

Mr. Howard: Okay.

Mr. Zuraf: And then that total with the range carries over.

Ms. Kirkman: Mike.

Mr. Zuraf: Yes.

Ms. Kirkman: Is this total that is in here around the suburban land use, is that based on the 1.5 or the 3.0 number?

Mr. Zuraf: This is based on the projection.

Ms. Kirkman: Oh okay.

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Mr. Zuraf: Because this is the preamble of the projection table. So what we did was identify... we do know the... we estimated the townhouse and multi-family units by know how many unity are already kind of approved in R-2 and R-3 Zoning Districts, so that is where you got the two thousand and twenty five and one thousand one hundred and sixty three units.

Mr. Howard: Okay. Seems self-explanatory to me, I guess it is just further definition. Anyone have a question for staff? Anyone want to...

Ms. Kirkman: No, I don't understand this statement, if more townhomes or apartments are built fewer single family homes would be constructed. How is that regulated or enforced?

Mr. Zuraf: It is not, it is not an issue of regulation or enforcement it is just that if... maybe this needs to be further clarified. If the county was to only get to the projection and meet its goal of only having nine thousand one hundred and twenty nine units in suburban and if you had more of one type then you would have less of the other.

Ms. Kirkman: But how would that be enforced? If I've got a by-right property...

Mr. Zuraf: It wouldn't.

Mr. Rhodes: It's a carry forward of an assumption from the previous sentence.

Mr. Howard: I think it's just trying to clarify that the total number in suburban would be nine thousand one hundred and twenty nine that is kind of the goal. Obviously that can change. And Ms. Kirkman is asking you the question how would you regulate that I am not sure you can I don't know how you would track that.

Ms. Kirkman: I think this entire section would be much clearer if it was made clear that these are goals.

Mr. Howard: Right.

Ms. Kirkman: Because the way... all of this is written as if it is a fact and as if it can somehow... which is why I was asking how can it be regulated or enforced? These are... I think these should be stated much more clearly as goals rather than...

Mr. Howard: I think that is a great point actually. So the title could change to dwelling unit type goals.

Mr. Zuraf: Projected dwelling unit types.

Mr. Howard: Yes. That is even better.

Mr. Zuraf: And then add more language in there to reference.

Ms. Kirkman: The projection is still a goal.

Mr. Zuraf: Yes.

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Ms. Kirkman: Right?

Mr. Zuraf: Yes.

Mr. Howard: We probably should vote on that though Mr. Zuraf, so...in order to make that officially part of the document. Because it is being added, right? This is additive?

Mr. Zuraf: Yes.

Mr. Howard: It does not exist today? Is there a motion to do that?

Mr. Rhodes: So moved with the comments on making is projected to enforce that it is a goal.

Mr. Mitchell: Second.

Mr. Howard: Any discussion?

Ms. Kirkman: Mr. Chair, I am going to oppose the motion and I am going to do that because I believe these projected numbers are no more likely what is going to be build than the maximum potential. And in fact we are in store for a lot more growth once we open all this up on the land use map. So I am going to oppose the motion.

Mr. Howard: Okay, thank you. Any other discussion? Hearing none I will call for the vote. All those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Mr. Fields: No.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5-2.

Mr. Zuraf: I think that was it for the changes. Is that it Jeff?

Mr. Harvey: I think so.

Mr. Howard: Okay. I know Mr. Fields had a chance to go through his thoughts and I do appreciate the hard work and effort. I also know other Commissioners were working as well and thinking through

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some other thoughts so I would... Mr. Rhodes I am not sure if there is anything else you wanted to bring up tonight or reference with the document.

Mr. Rhodes: Anything to last seven more minutes, I want us to be able to adjourn and reconvene.

Mr. Howard: We are going to have to adjourn at twelve anyway. We may not be leaving, but...

Mr. Rhodes: I thought we could restart.

Mr. Howard: Yes. Ms. Hazard.

Ms. Hazard: Based on our last meeting we did have a discussion and had requested some legal counsel and advice concerning proffers and how we could I believe tighten our language or broaden the language to encompass the thought that we wanted to make sure that any developer/development was going to pay... was required to pay. So in consultation certainly, and I know we all received several memos from Mr. Smith about proffers and general things. In that regard I have worked up some proposed language and I offered it then to get us at a point of discussion, but we felt at that time we needed some more legal advice which I believe we have gotten, so just because none of us can write anymore, I did actually copy it so that everyone has something to look at. I think it goes both ways. What I was going to offer or propose was adding language to each of the individual UDA sections. You will see in the paper that I am sending around, I have...I am using the version that references three seventeen, so I am in the one that is marked up. Something along the lines as previously mentioned in the UDA summary section and titled Public Infrastructure and services. These new infrastructure requirements are the result of the new development, its density and location and therefore will be the responsibility of the developer or developers of and then we would insert the specific UDA. The new language that would go along with that would be consistent with this goal, a proposed rezoning should offset the impacts of the new development both on existing public infrastructure and on future public infrastructure needs. Impacts may be offset by voluntary proffers of such things as cash contributions, land dedication for a public facility or construction of a public facility as appropriate. Proffers may also include restrictions on the intensity and type of development. In the case of any uses requiring a Conditional Use Permit or Special Exception, the approving body may impose conditions to offset the impacts of the new development would be at least a starting for our discussion but I wanted to have some language for us. And again I wanted to thank Mr. Smith for his indulgence with us on this issue. That is my motion.

Mr. Howard: Okay so you are making a motion to add the proposed language to each individual UDA section.

Mr. Rhodes: Second.

Mr. Howard: Seconded by Mr. Rhodes. Okay, any discussion?

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: I am going to oppose the motion because I have yet to see a clear rational from any of the infrastructure items that are listed for instance the Widewater UDA has the commuter parking lot

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of more than a thousand spaces. We have been... and at the same time the Widewater UDA is being built as not needing to use roads and cars because it is next to a VRE. So there are some big gaps in my... in... I believe that many of the items listed for each of the UDA's have yet to show a clear nexus between the proposed infrastructure and the actual impacts of the development. So I simply can't support this at this time.

Mr. Howard: Okay, thank you Ms. Kirkman.

Mr. Rhodes: Mr. Chairman.

Mr. Howard: Yes Mr. Rhodes.

Mr. Rhodes: I would just say that I think that regardless I think that it is better to reinforce the intent, expectation and construct of this being a responsibility and intent of the developers to develop the requirements for those areas, so I think it is great language.

Mr. Howard: Okay, thank you. Any other comments? Just clarification on the parking spaces because I know that has come up. I don't think there is an intent just because there is a rail station that one hundred percent of the residents will take the rail. That there would be a need for parking spaces and the calculation as I understand it originally was one parking space in a UDA per single family home recognizing that those closer in to the pedestrian shed would probably be walking or doing some other type of transportation to and from work. I know the housing units have changed so I don't know that we have changed the parking but we can bring that up later after this discussion. And also talk about how do we get bus routes from one park and ride to another. Any other discussion on Mrs. Hazard's motion? Hearing none I will call for the vote. All those in favor of the proposed language change to add to each individual UDA signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Those opposed signify by saying nay.

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: Okay, the motion carries 5-2. And we are at a point where legally we have to actually take a break in sixty seconds and reconvene and hopefully we won't be here much longer for those of you in the audience. I appreciate you staying.

Mr. Mitchell: Would it be appropriate to make a motion to defer the meeting. Would that be the appropriate...

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Mr. Hirons: You better do it quick.

Mr. Howard: Yes you can make a motion to defer the meeting until midnight.

Mr. Mitchell: Until midnight.

Mr. Howard: Until a second after midnight, sure. Is that your motion?

Mr. Mitchell: Yes sir.

Mr. Howard: Is there a second?

Mr. Hirons: Second.

Mr. Howard: Any discussion? Some may not be in favor, but all those in favor signify by saying aye.

Mr. Fields: Why are we deferring?

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Mr. Fields: I don't understand what we are doing.

Mr. Howard: We have to...

Mr. Fields: I know we have to adjourn. We just adjourn.

Mr. Howard: And restart it. Mr. Mitchell wanted to make a motion.

Mr. Fields: Okay.

MR. Howard: I think the motion carried 6-0. I did not hear all the votes 6-0-0 I did not hear an abstention. Should we re-poll?

Mr. Fields: We have to adjourn now.

Mr. Howard: We have a couple seconds. Okay we are adjourned. We will be back. Okay we are back we are going to reopen the meeting. The Stafford County Planning Commission meeting is being reopened on October 7th, just slightly after midnight and we were on the Comp Plan.

Mr. Zuraf: On item 1.

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Mr. Howard: On item 1. Are we back to item 1?

Mr. Fields: That is harsh Mike, that is.

Mr. Rhodes: That is cold.

Mr. Fields: That is tough.

Mr. Howard: Back to item 1. So Mrs. Hazard is there anything else that you had? Okay, Mr. Fields I don't know if you had anything to add.

Mr. Fields: Oh I have had plenty. I have had my say.

Mr. Howard: Alright. Mr. Mitchell.

Mr. Mitchell: Mr. Chairman, I do not want to discuss it tonight due to time constraints. However I would like to touch base with the staff this week in reference to Coal Landing Road. I would like to put it back into the growth area. It is an area that I think would be ideal for certain things due to the fact that there is sewer down there and it is my understanding there may be water put down there pretty quick. I don't want to discuss it tonight I just want to have it as an agenda item.

Mr. Howard: It already has public sewer, Coal Landing Road?

Mr. Mitchell: Yes.

Mr. Howard: It does.

Mr. Mitchell: Yes.

Mr. Howard: Alright.

Mr. Mitchell: That is all I have.

Mr. Howard: Ms. Kirkman. Mr. Hiron. Alright, so just from a procedural perspective, I open this up as an option before we get into the Planning Directors report. We can always schedule a meeting next Wednesday. We have time to do that if you want to come back and staff can make all these changes and present us with a nice neat document. It gives us an extra meeting before we would actually have to vote based on the new time table. I believe we would fall within that time table.

Mr. Harvey: Yes Mr. Chairman. You can go as far as October 20th before you make your motion to go to hearing.

Mr. Howard: Right, which is our next scheduled meeting.

Mr. Harvey: Yes.

Mr. Rhodes: If we go to October 20th, when is the public hearing? Is it the 3rd or is it the 17th?

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Mr. Harvey: Due to advertising requirements it would have to be the 17th.

Mr. Rhodes: Which then gives us... when was the resolution...

Mr. Zuraf: You have to make a recommendation at that meeting.

Mr. Rhodes: On the 17th?

Mr. Zuraf: Yes.

Mr. Rhodes: Not the following... December 1st.

Mr. Zuraf: Correct.

Ms. Kirkman: Mr. Chair.

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: As you will recall I had some questions regarding the Resolution. You had said we would defer those until...

Mr. Howard: We will get to that, absolutely.

Ms. Kirkman: Well, I just think it's...

Mr. Howard: You want to know that now? Sure. So, Mr. Smith, Ms. Kirkman was looking for clarification from the explanation you provided from the State statute. When we have a timeframe placed on us by the Board of Supervisors and I think you referred to it numerically before and offered to read it. I believe Ms. Kirkman has done some homework and now has some questions on that.

Ms. Kirkman: Sure, Mr. Smith you stated that if the Planning Commission does not act within the sixty days specified by the Board that the Board could then act on it. And I am looking at Section 15.2-2229 which you previously referenced. And I just don't see that authority in here. And that is very different for instance when you go over to Section 15.2-2285, which is around text amendments. And there it very clearly specifies that if the Planning Commission does not act on a text amendment that is referred to them by the Board it is deemed the Planning Commission has approved it and it goes back to the Board. And we have had some discussions like this before and I believe what we have been told by counsel is unless the state statute specifies the what if, that it doesn't... there is no what if. And so I am trying to find in the language here of 15.2-2229 where it says the Board may you know act on it if the Planning Commission has not acted in the sixty days. Because in fact it seems to say very clearly the governing body has to wait until after ninety... has to act within ninety days of the Commissioners recommending resolution.

Mr. Smith: Yes, Ms. Kirkman. During the 2002 General Assembly Session the General Assembly amended that statute and added a final sentence that states if the local Planning Commission fails to make a recommendation on the amendment within the aforesaid timeframe the governing body may conduct a public hearing which shall be advertised by Section 15.2-2204.

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Ms. Kirkman: Okay, thank you; that is helpful.

Mr. Smith: And yes, it is different than some of the other statutes which speak to it's deemed approved.

Ms. Kirkman: Okay.

Mr. Howard: Thank you. So again I just bring up, I am not sure what the appetite is for that but Mr. Zuraf, do you believe you can get all those...

Mr. Zuraf: Yes.

Mr. Howard: ...changes in a document that we could at least look at. Recognizing that even if we did not take a vote on next Wednesday, we still have the 20th really, but it gives us that extra timeframe so I throw it out there is it the will of the group? We can vote on it. What are the thoughts?

Mr. Fields: Are you thinking about meeting on the 20th are you talking about or tonight? What are you talking about?

Mr. Howard: A meeting a week from today, that way we would advertise and have a full... well the only thing on that agenda would be the comp plan. But it gives us a chance to come in...

Mr. Fields: I won't be here.

Mr. Howard: Okay.

Ms. Hazard: I guess Mr. Chairman, when you say that the document can be ready, would that be that it would be ready for us by Friday. I hate to keep burdening staff with every time we continue to and not that I am not saying, I would love to see my colleagues again, it's not that. But I also don't want to have staff run around for a Friday delivery to us if the thought is that we need to review it. So I am just querying again about how long it will really take to put the document together.

Mr. Zuraf: I think they are all changes that you have kind of been made aware of so they are not major changes. Would an early next week delivery work? Or I guess that is...

Mr. Howard: I would almost rather say yes Monday delivery or Tuesday, just so we have it, but at the end of the day we would have the evening to go through it.

Mr. Zuraf: Right. We might be able to get it ready by Friday, I...

Mr. Howard: Yeah, I don't know what the constraints are to do that, so but it is a great question obviously.

Mr. Rhodes: So we can advertise in time?

Mr. Howard: Can we advertise? We would put it on the web tomorrow and...

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Mr. Harvey: Again you have until the 20th to make your decision.

Mr. Howard: No advertise that we are going have an additional meeting.

Mr. Harvey: Yes, I will contact the public information office and have them post notice because you will be within the five days.

Mr. Howard: Okay. I am getting some nods, some non looks.

Mr. Fields: We have not done the minutes yet, right.

Mr. Howard: Well we've got to resolve this first.

Mr. Hirons: It does sound like it would be helpful and get us moving and finally get us to the point.

Mr. Howard: Okay, anybody want to make a motion?

Mr. Hirons: Yes I will make a motion to schedule a Planning Commission meeting for next Wednesday. Is that the day we want to do?

Mr. Howard: Yes, what is the date?

Mr. Hirons: I don't know the date.

Mr. Zuraf: The 13th.

Mr. Hirons: Lucky 13.

Mr. Howard: October 13th.

Mr. Mitchell: Second, if there was not one.

Mr. Howard: Okay, any discussion?

Mr. Fields: Yes I will abstain because I have performance engagement, it won't be here.

Mr. Howard: Okay. But we would still get the information to you. Alright, hearing no other discussion I will call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

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Mr. Howard: Aye. Opposed? Abstentions? Okay I think that was a 6-0-1. Thank you and then we have the Planning Directors report.

Mr. Rhodes: You have items 5 through 9 to defer to the next meeting.

Mr. Harvey: Mr. Chairman?

Mrs. Hazard: Items 5 through 9.

Mr. Harvey: There are a number of items there that due to the time constraints need to be authorized for public hearing tonight.

Mr. Howard: Okay.

Mr. Harvey: Specifically items 5, 6 and 7.

Mr. Rhodes: Let's go for it. Okay, so who is going to present them?

Mr. Stepowany: I will do the first two.

5. *Discussion of Paving Waivers. (Time Limit: November 15, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)*

Mr. Howard: Okay, paving waivers.

Mr. Harvey: We are available if the Commission so desires or if you want you can move them forward to public hearing.

Mr. Stepowany: Well, number 6 we would like discussion because of changes.

Mr. Howard: I am not sure what the paving waivers are, I did not actually read that one. So I don't know if anyone else wants clarity on that. Jamie how quick will it take you to go over that?

Mr. Stepowany: The paving waivers one minute.

Mr. Howard: Okay, go ahead.

Mr. Stepowany: There is a sub-committee working on revising applications and fees and streamlining applications and fees and for churches, fraternal organizations and non-profit organizations, they can request a paving waiver to have part of the parking lot not paved through the Board of Supervisors, is what the Ordinance requires prior to a site plan approval. This would amend the Ordinance to allow that to me administratively approved by the agent as opposed to the Board. And as another back up it is usually a consent item when they go to the Board. So it would reduce the time for the application and possibly the fee that a church would have to pay as part of their site plan approval.

Mr. Howard: So this is for non-profits or this is for places of worship only.

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Mr. Stepowany: Pardon me.

Mr. Howard: This is for non-profits or places of worship only?

Mr. Stepowany: It is specifically lists the types of organizations that are eligible. Churches, clubs, fraternal organizations, other uses that have infrequent traffic demands to install gravel surfaces rather than paved surfaces for parking lots.

Mr. Hirons: Is there a definition for club?

Mr. Stepowany: No.

Mr. Harvey: Yes there is in our Zoning Ordinance. It defines club, lodge and fraternal organization.

Mr. Stepowany: Okay.

Ms. Kirkman: That includes gun clubs doesn't it?

Mr. Howard: Yes.

Ms. Kirkman: Didn't we have this discussion once before.

Mr. Howard: Yes we did once before.

Mr. Harvey: We can check if you want me to.

Mr. Howard: It does include gun clubs.

Ms. Kirkman: And when we say non-profits, is that a non-profit building on the property or is that a non-profit that owns the property?

Mr. Stepowany: The Ordinance does not necessarily say non-profit.

Mr. Howard: Yes, it doesn't, that was my interpretation. It does not say it on the paragraph.

Ms. Kirkman: It does not? Okay. And this is to... but to be clear, is this when these people are building on the lot or is this when they own the lot? Because that is going to be...

Mr. Stepowany: When they are proposing a building, when they come in with a site plan application that included the parking lot.

Ms. Kirkman: So we could... so a waiver could be given to one of these organizations?

Mr. Stepowany: Right now they can apply for a waiver and it goes to the Board of Supervisors.

Ms. Kirkman: Do they have to own the property right now in order to apply for the waiver?

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Mr. Stepowany: You don't have to own the property in order to be the applicant of a site plan, you can be the agent with a type of contingency contract.

Ms. Kirkman: I think my concern is that it doesn't specify that these types of organizations have to own the property because then you end up with situations where other entities own the property, get the waiver and the entity that it is intended for may or may not ultimately be there long term.

Mr. Howard: Right, or may not... may end up not being that organization that...

Ms. Kirkman: Defined, right.

Mr. Howard: That is defined in the waiver.

Ms. Kirkman: So I feel like if this goes forward it really should have something that specifies that it applies... it is when these are the property owners.

Mr. Howard: Existing property owner.

Ms. Kirkman: Yes, that would be my suggestion.

Mr. Stepowany: I believe we have the authority to amend the Ordinance to add additional language as deemed necessary by the Planning Commission.

Mr. Howard: So Ms. Kirkman, make a motion, we will second it and...

Ms. Kirkman: I make a motion for staff to fix it that way. Somehow make it clear that they need to own the property.

Mr. Stepowany: Include ownership.

Mr. Howard: Is there a second?

Ms. Kirkman: For the waiver.

Mrs. Hazard: Second.

Mr. Howard: Any discussion? Call for the vote. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

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Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

Mr. Stepowany: Okay, thank you.

Mr. Howard: We have to vote this to public hearing, right?

Mr. Stepowany: Correct.

Mr. Howard: Alright. Anybody want to make a motion to send this to public hearing with that change?

Mr. Hirons: So moved.

Mr. Howard: Second?

Mr. Rhodes: Second.

Mr. Howard: Any discussion? All those in favor of moving this to a public hearing with the changes as described by Ms. Kirkman, signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

6. Discussion of Private Access Easements. (Time Limit: November 15, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)

Mr. Stepowany: Okay, thank you. Item number 6 was prepared by the same Committee of the Board and this dealt with Private Access Easements applications. And Private Access Easement applications would be approved by the agent as part of the approval of a minor site plan and not the Planning Commission. Just for some history when Private Access Easements first were allowed, they would allow three properties access off of it and it did not count the lots that travel through so you would see Minor Subdivision of five lot subdivisions with three of them coming off the PAE, and that has been narrowed down to where it can only go through one lot and serve one lot, that is what the PAE is. And the Committee recommends that the Ordinance be modified to authorize the agent to approve a PAE within a minor subdivision as opposed to a Planning Commission and the application for a PAE with the Planning Commission. What staff had also pointed out in the Ordinance prepared by the

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Committee had some inconsistencies and staff would in addition to supporting the Ordinance to allow the agent to approve a minor subdivision with one PAE on it to serve one lot, that there are some modifications to the definitions. And generally what the Ordinance did was you already have two definitions in the Subdivision Ordinance for Private Access Easement, one is Easement Private Access the other one is Private Access Easement. The definition for Private Access Easement says see street private access easement which is not even defined in the Subdivision Ordinance, but is defined in the Zoning Ordinance. What this Ordinance did was take that street private access easement and added it to the Subdivision Ordinance which in theory creates three definitions in the Subdivision Ordinance that has the term Private Access Easement and none of them are the same and it doesn't help clear any of the previous discussion that staff has had with the Planning Commission and other applications. So staff is also presented modification to that and that the definition for Easement Private Access be changed to Easement Ingress/Egress because you have types of ingress/egress easements to serve other types of uses other than a lot within a minor subdivision such as cemeteries and telecommunication facilities and open space areas. Those are ingress/egress easements and this would help clarify that type of use and then for Private Access Easement define it as to what it is, which is a ingress/egress easement to serve one lot as it travels through a lot within a minor subdivision approved by the agent. And then the definition for Street Private Access Easement would be, you would take street out altogether. And then the Zoning Ordinance that just becomes the same definition as a Private Access Easement in the Subdivision Ordinance. So it would... to wrap it all up you would have two types of easements. You would have an ingress/egress easement and then you would have Private Access Easement and that is what staff recommends. And the Ordinance does authorize the Planning Commission to recommend changes to the text if deemed necessary. And that is what staff is recommending in addition to supporting the Ordinance and sending it to public hearing, is to support the changes to the definitions as presented by staff. I would be more than happy to answer any questions.

Ms. Kirkman: Mr. Chair.

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Could you please explain again... so you are proposing that there will be two definitions, Private Access Easement and ingress/egress easement.

Mr. Stepowany: That is correct.

Ms. Krikman: And what is the difference between the two?

Mr. Stepowany: And ingress/egress easement is a easement through private property to allow access to a specific lot or parcel. So that could be used for a cemetery or a telecommunications facility or for common open space. Another property that is land locked type of thing. Whereas a Private Access Easement is through the minor subdivision process, it is an ingress/egress easement to serve one lot of a minor subdivision. That lot does not have frontage. Another thing an ingress/egress easement...

Ms. Kirkman: Does this then change the counting of how many lots it serves, because you are saying one lot, and earlier we said...

Mr. Stepowany: It serves two lots total. It travels through one lot to serve one lot, so it serves a total of two lots. If it serves three or more then it is a street and it cannot serve three lots.

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Ms. Kirkman: Do we now consider a private access easement a street?

Mr. Stepowany: No, because it can only serve two lots.

Mr. Howard: But we have some private access easements that serve three lots, is that right?

Mr. Stepowany: We have ingress/egress easements... existing ingress/egress easement and some older private access easement in older minor subdivisions where they were allowed to serve up to three lots. In the Rural Roads Additions Ordinance five years ago or whatever it was... that was changed because VDOT defined street as any means of access to serve three or more lots or parcels. So that is why PAEs became just two lots counting the lot it travels through. In the PAE sections it also says if the PAE is adjacent to another lot it is going to be considered serving that lot unless there is a note on the plat stating it is restricted from being used by them. The PAE is to serve only two lots counting the lot it goes through to get to the lot it serves and that is what we want the definition to be and that it can be approved by the agent. As of right now it is an application that comes in and gets approved by the Planning Commission. And then the other definition instead of easement, private access it becomes easement, ingress/egress easement which are ingress/egress easements for other than just that land locked lot within a minor subdivision. Ingress/egress easement are also used for shared driveways and pipe stem lots and other types of stuff, they use ingress/egress easements too, to serve lots that have frontage.

Mr. Howard: So is your goal here to clear up the Private Access Easement...

Mr. Stepowany: Definition.

Mr. Howard: Description...

Mr. Stepowany: Yes.

Mr. Howard: Definition within different Ordinances?

Mr. Stepowany: Both the Subdivision and Zoning Ordinance.

Mr. Howard: Okay.

Ms. Kirkman: And to also change it from a legislative process to an administrative process.

Mr. Stepowany: Correct. That is the intent of the sub-committee from the Board is to change it from the legislative to the administrative. Staff's recommendation is also to clear up the discrepancies that we have had in the past on the definitions.

Mrs. Hazard: Mr. Chairman.

Mr. Howard: Mrs. Hazard.

Mrs. Hazard: So, sorry it is late.

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Mr. Stepowany: I understand.

Mrs. Hazard: So when the subdivision plan comes it is going to be approved as part of that document and noted on that document? I am sorry I am trying to get what then the approval looks like and how you would find it if you had to find it or how someone would be aware of it.

Mr. Stepowany: We have not gotten to the point to where there is still a PAE application to be approved by the agent that has to be like tagged to the other application that could still be the case, or if it is just administratively approved as the approval of the minor subdivision. When you have a PAE in a minor subdivision there are four required notes that the PAE has that would still be the requirements and the restrictions to it would still apply. It is just a matter of approving it.

Ms. Kirkman: I think I would feel more comfortable... I am all for reducing burdens on small property owners, but unfortunately we've had some folks in the past that have tried to circumvent the major subdivision process by doing multiple minors and that gets particularly complicated when you have private access easement, so I would be comfortable moving this forward if we amended it to say that something along the lines that you could get an administrative waiver for if none of the lots served were to be further subdivided.

Mr. Stepowany: That is a current note. That is a required note in the PAE, that it could not be further subdivided unless the PAE is brought up in standards and can be classified as a street.

Ms. Kirkman: But see there is an unless in there and I am saying if they go through and administrative process rather than a public legislative process, I think they ought to be willing to just say they are not going to further subdivide.

Mr. Stepowany: I understand. I said that is a current requirement for PAEs. That the plat has to say that it cannot be further subdivided. That is one of the four notes that they are required to have on the plat.

Ms. Kirkman: Unless they bring it up to street standards.

Mr. Stepowany: If they further subdivide from a PAE then they have to bring it up to public street standards. And then it has to come in as a plat with a public street. So if they want to extend the PAE to another lot to serve a third lot that has to be brought in as a major subdivision and that has to be shown...

Ms. Kirkman: What is they are still under... what if they subdivide down to five, then it would be a minor.

Mr. Stepowany: Right, but once you add a public street it becomes a major subdivision.

Ms. Kirkman: It automatically makes it.

Mr. Stepowany: Right.

Ms. Kirkman: Okay.

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Mr. Stepowany: That is one of the differences between major and minor.

Ms. Kirkman: Alright.

Mr. Stepowany: You can have a three lot subdivision but if you are going to put in a street within that three lot subdivision that becomes a major subdivision. As I said, I understand what you are saying. It is already...

Ms. Kirkman: That is helpful. Thank you.

Mr. Howard: Any other discussion of staff? Anymore questions? Okay. Jamie, is there a reason why that wording would not be in the actual Ordinance itself?

Mr. Stepowany: The wording that Ms....

Mr. Howard: Yes.

Mr. Stepowany: It is in... it is required as a note.

Mr. Howard: Okay.

Mr. Stepowany: It is one of the notes within the PAE section of the Subdivision Ordinance, that it can not be further subdivided, but if to be it has to be...

Mr. Howard: So the definition is obviously listed separately under 22-176 and then there is another section that...

Mr. Stepowany: Yes, there is... I would have to double check to see where the notes are but I believe it is in the 22-176.

Mr. Howard: Like what an A or a B or something? I am just curious why that would not be part of what we are looking at.

Mr. Stepowany: Okay, under 22-176 D...

Mr. Howard: Okay, that is fine. So, that all stays the same?

Mr. Stepowany: Yes.

Mr. Howard: Yes. So for the purposes of the public hearing would it be smarter to have that entire portion of the Subdivision Ordinance posted? So you would show what the changes are and the... how many...

Mr. Stepowany: There are changes in 176 that is in the Ordinance that staff feels does not need additional changes. So 22-176... part of 22-176 is in the Ordinance. What is prepared in the Ordinance is not recommended for modifications.

Mr. Howard: You are only showing what is going to be changed?

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Mr. Stepowany: Well, we are asking for modifications to the actual Ordinance.

Mr. Howard: Right. Okay.

Mr. Stepowany: So, I mean if you wish to include all of 22-176 in the Ordinance we can do that.

Mr. Howard: How big is it?

Mr. Stepowany: One page.

Mr. Howard: A through D, is that what it was?

Mr. Stepowany: A through F.

Mr. Howard: F, I will defer to the Commission; I just... it doesn't feel like we are showing the whole story there.

Mr. Stepowany: We can include the whole section in the Ordinance.

Ms. Kirkman: Does that change the advertising?

Mr. Harvey: We have not done the ad yet so...

Ms. Kirkman: (Inaudible)

Mr. Howard: Does it cost more money to make it bigger?

Ms. Kirkman: Yes.

Mr. Harvey: Yes.

Mr. Howard: It does. Leave it the way it is then. That is fine. Okay we have to send this to public hearing.

Mr. Rhodes: I make a motion to send forward to public hearing.

Mr. Howard: Is there a second?

Mr. Mitchell: Second.

Mr. Howard: Any discussion? Hearing none I will call for the vote to send the amendments to the Zoning and Subdivision Ordinance to public hearing. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

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Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed say nay? The motion carries 7-0.

Mr. Stepowany: Thank you.

Mr. Howard: And we can wait on item 7, is that right?

Mr. Harvey: No, item 7 also needs to be...

Mr. Howard: Okay.

7. Discussion of Preliminary Site Plans. (Time Limit: November 15, 2010) (History - Deferred at September 15, 2010 Meeting to October 6, 2010 Meeting)

Mrs. Hornung: Good morning.

Mr. Howard: Good morning.

Mrs. Hornung: Mr. Chairman and members of the Commission. This is another one of the items that the Board fee and process Committee had looked at to streamline our processes and different items in the Subdivision and Zoning Ordinance. This one actually removes the requirement for requiring a preliminary site plan to be approved prior to the submission of major site plan. And looking at the preliminary site plans that have been submitted since 99, we only had ten. Only four were approved, two are still open, three were not approved and one was withdrawn. Because there is also a provision in the Ordinance to allow a waiver and most of the time if not all the time, the applicants when they submitted major site plan of two buildings or more, they have asked for a waiver from the Director of Planning and Zoning. And they have gotten that waiver.

Mr. Rhodes: I am just trying to... would this remove the requirement for by-right preliminary site plans on by-right or only on the ones that have a rezoning associated with it.

Mrs. Hornung: No that preliminary site plan is only for by-right. What happens at the... the reason why it was not required for a rezoning is because you would get a GDP and that would show the entire development. Plus the preliminary site plan is only for by-right development anyway which is prior to the major site plan submission.

Mr. Rhodes: Okay, thanks.

Mr. Howard: Any other questions?

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Ms. Kirkman: How is this different, we spent a lot of time on eliminating preliminary subdivision plans and were told that just was not feasible because of all the different agencies that need to look at the project before it got way to far along. How is this any different?

Mrs. Hornung: The preliminary site plan was more of an overall of looking at multiple buildings, but when a major site plan comes in the review would be exactly the same looking at all the reviews so you basically would have a double process, the same thing. For a preliminary subdivision plan you are looking at the overall plan then you get a construction plan for portions if not all of that subdivision. And the preliminary subdivision plan also is the beginning of vesting the residential development. The preliminary site plan has nothing to do with vesting, it always is for a non-residential development and one example would be Quantico Corporate Center, Aquia Town Center. Those are ones that we don't have a record of preliminary site plan and because they were part of a rezoning, number one and so we already had a GDP on that. And then the major site plans as they came in they were for one or two buildings. Stafford Market Place was one that was submitted for multiple buildings that did have a preliminary site plan on that one. But there is a process for the allowance of asking for a waiver and a lot of those projects have received waivers because of receiving a GDP from a former rezoning or a previous rezoning to that project. So by eliminating the preliminary site plan you don't eliminate any kind of review because the major site plan is going to have exactly the same review the same details if not more details than the preliminary site plan required. And so when the Committee reviewed all of this they were asking also the list of how many preliminary site plans had been submitted and so since 99 we have only had ten that appeared to be something that could be eliminated to help streamline the process. And so this is also ready for your recommendation and this also needs to be advertised for public hearing for November since the time limit is November 15th.

Mr. Howard: Okay, any other questions? Alright, anyone want to make a recommendation?

Mr. Mitchell: Motion to send to public hearing.

Mr. Rhodes: Second.

Mr. Howard: Any discussion? No, okay all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed?

Ms. Kirkman: Nay.

Mr. Howard: Motion carries 6 to 1.

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8. Discussion of Signs in the A-2 Zoning District. (Time Limit: December 14, 2010)

Mr. Harvey: Mr. Chairman, item 8 is not under the same time line so if the Commission wants you can defer it to the meeting on the 20th.

Mr. Rhodes: So moved.

Mr. Howard: Seconded?

Mr. Hirons: Second.

Mr. Howard: Okay, any discussion? All those in favor of deferring item 8 on the agenda which is amendments to the Zoning Ordinance to October 20th signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

9. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (Time Limit: October 6, 2010) (Deferred at June 16, 2010 Meeting to August 18, 2010) (Deferred at July 21, 2010 Meeting to September 1, 2010) (Deferred at September 1, 2010 Meeting to October 6, 2010)

Mr. Harvey: Mr. Chairman, under number 9 staff would recommend the Commission request additional time from the Board. We still have not developed an Ordinance yet and technically the Commission should have already had an Ordinance developed and going to public hearing. But since we have been focused on the Comprehensive Plan as the highest priority this has not got as much attention as...

Mr. Howard: Is there a motion to ask for more time from the Board of Supervisors?

Mrs. Hazard: So moved.

Mr. Rhodes: Second.

Mr. Howard: Alright, all those in favor... or is there discussion? No? All those in favor of requesting more time from the Board of Supervisors signify by saying aye.

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Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0.

PLANNING DIRECTOR'S REPORT

16. Transfer of Development Rights

Mr. Rhodes: Planning Director's report.

Mr. Howard: And we have the Director's report.

Mr. Harvey: Yes Mr. Chairman, in your packet of information was a draft Ordinance and a number of Resolutions related to Transfer of Development Rights. Staff would recommend that the Commission establish a meeting where you would start getting into it in detail. There is a lot of factors with Transfer of Development Rights, we are probably going to look at creating three Ordinance amendments and also a Comp Plan amendment. There is a number of administrative processes that have to be discussed and it is going to be quite in depth. So staff would request the Commissions preference on a meeting date to begin that discussion

Mr. Hirons: Mr. Harvey, what kind of time constraint are we under? Any?

Mr. Harvey: Well the one Ordinance was pretty specific as far as the general Ordinance. The other Ordinance is dealing with increasing the development capacity within the existing zoning categories had not been specified. So since that has not been specified, there would not be a time limit. I guess the question would be is there a time limit on the overall Ordinance that deals with TDR. I have not gotten a hundred percent clear picture on that yet.

Ms. Kirkman: Wouldn't that be in the Resolution that sent it to us?

Mr. Harvey: I guess normally if there is an Ordinance referred to you, you have I believe it is ninety days...

Ms. Kirkman: Right.

Mr. Harvey: ...to consider, but no Ordinance has been referred, there is no time limit.

Mr. Howard: But it was sent to us on September 21st, is that right?

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Mr. Harvey: Yes.

Mr. Howard: What would the normal timeframe be, did you say?

Ms. Kirkman: Ninety days.

Mr. Harvey: By the end of December. Yes.

Ms. Kirkman: Mr. Chair, clearly the Comprehensive Plan is going to be taking our time until we get it off our plate and we have already got one major Ordinance backed up after that which is the district overlay. So rather than wait until the last minute, I would like to make a motion that we request additional time from the Board. I just...something this complex I just don't see us being able to...

Mr. Hirons: And if you will accept a friendly amendment, and really specify that we will take it up after we dispose of the Comprehensive Plan per their request that we don't take on things like this until the Comp Plan is complete for us.

Mr. Howard: Do you accept the friendly amendment?

Ms. Kirkman: Yes.

Mr. Hirons: If you want to write it so it makes sense.

Mr. Howard: Is there a second?

Mrs. Hazard: Second.

Mr. Howard: Is there any discussion? All those in favor...

Ms. Kirkman: Let me just... but that doesn't give us extra time because we could still in theory do the Comp Plan and get it to them by December. I mean in theory you could but I think this is so complex, I think we should probably say now we intend to take it up after the Comp Plan, but let's ask now for the extension.

Mr. Hirons: We would like the clock to start then not now.

Ms. Kirkman: I think we would have to say we would like an additional ninety days or one hundred and twenty or whatever makes sense to my colleagues. Given the Comp Plan, holiday scheduling...

Mr. Howard: Well would we ask that the clock start ticking in January, the first meeting in January after the organizational meeting?

Ms. Kirkman: I think that would...

Mr. Hirons: If we could that would be great.

Ms. Kirkman: That would be really good.

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Mr. Howard: So let's do this. We have a motion on the table, so we are following protocol. If you were to make a substitute motion that said all that we just said, Stacie, which would be everything Ms. Kirkman said except we are adding to this that we would like to have the clock start ticking on the first meeting in January.

Ms. Kirkman: Mr. Chair, perhaps the best way to say that is just add the ninety days to...

Mr. Rhodes: Extend it to the end of March.

Ms. Kirkman: Yes, extend it to the end of March. I think that is easiest.

Mr. Howard: So that is your substitute motion?

Mrs. Hazard: It is.

Mr. Howard: Is there a second?

Mr. Rhodes: Second.

Mr. Howard: Alright. Any other discussion? Stacie, are you good with that? I know even when you review this audio you are not going to know what the heck we said. Alright, all those in favor of deferring... or requesting additional time which would be an additional... end of March signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed say nay. Motion carries 7-0.

Mr. Harvey: Mr. Chairman, also at your desk you will find an Ordinance that was referred to the Commission regarding Conditional Zoning. It would take advantage of additional State Code Legislation that allows us to be more liberal in how we negotiate and accept proffers. And also the Board discussed last night and recommended that the Planning Commission take up the discussion of liquor sales in anticipation of potential change in the regulation of ABC stores.

Mr. Howard: I am not sure I understand that.

Mr. Fields: I grew up in Charles County Maryland with drive through liquor stores.

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Ms. Kirkman: I don't know what that means.

Mr. Howard: Mr. Harvey, if it is regulated... it is still under... we don't... what do we do for beer and wine today as a county?

Mr. Harvey: There is no zoning regulation pertaining to it. The proposal was to consider creating a definition for liquor sales and maybe limit the location of where those facilities could be located and/or determine a public process in which a hearing could be determined to determine like a conditional use permit, whether or not the activity should be allowed at that location where it is proposed.

Mr. Howard: Because I was actively involved behind the scenes on this, I would tell us that we need to get some legal perspective because the...when you are bidding on the license itself all of that is covered. So if I were to win a bid and then post factor you are going to tell me by the way I have to go through a CUP and this other thing, I don't think that is going to work that way.

Ms. Kirkman: But I actually... that is very important because often people want CUPs like restrictions on certain hours of sales and loitering kinds of things. Surely what we are not saying is you can... the highest bidder get an automatic land use.

Mr. Howard: We don't do that today for beer and wine, so how would you distinguish the two? How would you say you can't sell spirits but your beer and wine license you are okay you did not have to go for a CUP. I think there is some legalities we should just... I think maybe we turn it back to the Board and say why don't you get a legal opinion before we pursue that. Because I am not sure there is anything we can do. I agree with what you are saying about loitering and other facts; we don't do it today for an ABC store, right?

Mr. Fields: Some of my experience has been to... sort of similar to things that can be controversial is like a fire arm store. You know it is just a business as far as the county land use goes, obviously you know it is a controversial topic but it is regulated by you know Alcohol, Tobacco and Firearms and the State Police and all of that. So the regulation comes at a higher level generally.

Mr. Harvey: Yes Mr. Chairman currently ABC stores are owned and operated by the Commonwealth of Virginia, so they are not subject to local land use regulation. This would be a proposal through the local Zoning Ordinance regulate...

Mr. Howard: But today if a 7-Eleven were to come... if somebody came before us with a 7-Eleven we would... I don't even think we would get into this discussion of the product mix.

Ms. Kirkman: But you could. I mean there are... you could...

Mr. Howard: Well you would have to. You can't treat them separate.

Ms. Kirkman: Well we don't need to send it back to the Board to get a legal opinion. We can ask our own attorney to...

Ms. Hazard: And suffice it to say, have we seen the final legislation yet from the Commonwealth? I thought it was still...

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Mr. Howard: It's still a little gray right now.

Ms. Hazard: I mean, I think clearly we, just in three minutes we've raised a ton of issues that our attorney will be having to examine. I too don't know if we need to go back to the Board, but I think we've raised a lot of issues to frame our discussion when we bring this to the Board; we need some more framing of the issue.

Mr. Howard: I'm not sure there's much time we need to spend on it but I will defer it to the will. I don't think there's anything we can do about it. But what do you want to do? Okay.

Ms. Kirkman: Well, it seems like...

Mr. Howard: We'll ask Mr. Smith to take the lead on that and...

Ms. Kirkman: We just need to know whether or not there's a way to regulate this as a land use issue.

Mr. Howard: Right.

Ms. Kirkman: That's the first bottom line because if there isn't then the whole discussion...

Mr. Howard: Yeah, that's fair questions. So, Mr. Smith, we know you won't have the answer on the top of your head right now but by the next meeting... no, if you could get us that information that would be helpful.

Mr. Smith: Well the only thing that I can add at this point is I'm not aware that there is actually a draft of any legislation. I haven't seen anything in writing. I know there has been some discussion about whether or not localities would be able to regulate it and how that would be done. I don't know where those discussions are or what...

Mr. Howard: It's still being debated. So, it's not final yet. But you can still find out if we can regulate land use based on product mix, right, because that is essentially what would have to happen.

Ms. Kirkman: Well, I don't see how we can't since we distinguish from different types of stores, but maybe there is something out there.

Mr. Smith: So you'd like me to look at it in general, regulating a business that sells alcoholic beverages... based on the sale of alcoholic beverages.

Mr. Howard: Yes.

Ms. Kirkman: And specifically if a distinction can be made between beer and wine versus hard liquor.

Mrs. Hazard: And just to keep us I guess up to date as the language becomes available or as things are passed, that may answer some of our questions. Thanks.

Mr. Smith: You are welcome.

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Mr. Harvey: Mr. Chairman, that concludes my report.

Mr. Howard: Great, thank you. County Attorney's report?

COUNTY ATTORNEY'S REPORT

Mr. Smith: No report Mr. Chairman.

COMMITTEE REPORTS

Mr. Howard: Thank you Mr. Smith. Committee reports? None. Chairman's report? None. Other business? Anybody want to move to approve the minutes of September 1st?

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

September 1, 2010

Mr. Mitchell: Motion for approval of the September 1, 2010 Planning Commission minutes.

Mr. Rhodes: Second.

Ms. Kirkman: I had a question.

Mr. Howard: Okay, we are in discussion so this would be a good time for a question.

Ms. Kirkman: Yeah, Stacie, on page 29 of 53 there are a couple of words that were italicized. I think that was just a formatting piece perhaps?

Mr. Howard: Are you asking why they were italicized?

Ms. Kirkman: I am just pointing out that that probably needs to be fixed. Got that? Unless there was some reason you did that. Nope, okay.

Mr. Howard: So, you are talking specifically line 1375 and I didn't see any other.

Ms. Kirkman: Yep, that's it.

Mr. Howard: So, Stacie, would you be able to correct that in the official record? Okay. So I guess there is a friendly amendment to amend the motion to correct that line and then... do you accept that?

Mr. Rhodes: As amended.

Mr. Howard: As amended, okay. So, all those in favor of approving the minutes of September 1st signify by saying aye.

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Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed? Motion carries 7-0.

Ms. Kirkman: And then Mr. Chair...

Mr. Howard: Yes, Ms. Kirkman.

Ms. Kirkman: In the minutes we had made a motion to ask that you as the Chair would ask about moving the Reservoir Protection Overlay Ordinance forward to public hearing and I wanted to find out what happened with that.

Mr. Howard: I was going to draft a letter I think with Mr. Harvey. I don't think we did that, to request to the Board.

Mr. Harvey: The request has been forwarded to the County Administrator.

Mr. Howard: It has? Okay.

Mr. Harvey: Yes.

Ms. Kirkman: Okay.

Mr. Howard: Thank you. If there are no other comments or issues, the meeting is adjourned. Thank you very much for your attention. It was a long meeting, I appreciate it. Have a good evening. Please drive safely.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 12:48 a.m.

Gordon Howard, Chairman
Planning Commission